Designing a Land and Natural Resource Governance System

A Reference Manual

Peter Swift

2025

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About this manual

Much of the expertise available to groups involved in developing new land and natural resource governance systems, or revising existing systems, reinforces dominant existing models of such systems. These models tend to be state-centric and promote property rights and land markets over other approaches to land and resource governance. They tend to treat Indigenous rights and customary tenure as add-ons rather than as foundational to land and natural resource governance. They tend to support industrial agriculture and both over-exploitation of natural resources and the exclusion of communities from areas with significant resources.

I have developed this reference manual to assist those interested in developing land and NR governance systems that promote pro-poor and democratic land and natural resource outcomes, protect the rights of Indigenous peoples and women, and respect international law and norms. It focuses on those aspects of land and NR governance systems that are most important from this perspective. I have drawn on my own field experience, knowledge of various land and NR governance frameworks, and relevant literature.

In writing this manual I have tried to ensure that it will be accessible to non-expert audiences, though I hope that experts will also find it useful. The manual introduces key themes but does not address any of them in depth. It is my hope that it will provoke discussion on these themes and further investigation into them.

Acknowledgments

I would like to express my sincere thanks to Jose Arraiza for reviewing an earlier draft of the manuscript and providing extremely helpful comments.

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Diagrams: Andrew Swift

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Summary of key points

Key points to be considered in developing a land and natural resource (NR) governance system include:

Aims of land and resource governance: Different stakeholders may desire different outcomes from a land and NR governance system. Clarifying the desired outcomes is an important starting point for designing or reforming a system.

Indigenous and community autonomy and land rights: Recognizing the authority of Indigenous peoples and communities over land and natural resources within their own territories is an effective means to recognize their collective rights and is likely to result in better governance. In the case of Indigenous peoples, it is also required by international law. Different powers related to land and NR governance can be allocated to government at different levels, to Indigenous peoples, and to communities.

Natural resource management: Most natural resource management systems are based on a division between land for use by communities on the one hand and state land (land controlled by government) on the other. Land on which significant natural resources are located is typically categorized as state land with community use of those areas restricted. An alternative approach is to recognize the inclusion of areas with significant natural resources within Indigenous peoples' and communities' territories and to recognize their powers to control use of those resources. It may also be appropriate not to exploit certain natural resources commercially to avoid harm done through their exploitation. In any scenario, implementing the principle of free, prior and informed consent (FPIC) would go a long way towards improving natural resource management.

Land classification: Land and NR governance systems often involve the classification of land, with different rules for land use and different land rights allowed in different categories of land. Such classification often centralizes power over land and resource use and is often used as a means of controlling land and people. For these and other reasons, there are calls to eliminate existing land categories. Bottom-up land use planning is one way to determine how rules for land use and land rights allowed should vary between different areas.

Land rights: Recognizing and securing land rights is one of the main functions of land and NR governance systems. Key points related to land rights include:

- It is important that people be able to claim legitimate land rights even if those rights were never legally granted or recognized.
- Though long-term exclusive individual rights are often associated with government systems, they can also exist within community or customary systems.
- Many government systems *protect* long-term exclusive individual rights but only *allow* shorter-term, non-exclusive, and/or collective land rights. A land and NR governance system should protect all land rights, whether short-term or long-term, inclusive or exclusive, collective or individual.
- The categorization of land as state land often results in people's legitimate land rights not being recognized, the landless and land-poor lacking access to land, and communities being excluded from decision-making on land use.
- The term "property rights" is used to refer to long-term exclusive individual land rights, such as rights to farmland and residential land. Governance systems often try to strengthen such rights – making them even more long-term, exclusive, and individual. Systems that

do this often treat land as a commodity (something that can be bought and sold easily by any willing buyer and seller) whose only value is as a means of generating profit. They often result in the poor losing their land through market forces.

- Land titling often results in the formalization of only some legitimate land rights and can result in decreased tenure security for non-titled land. It also often formalizes land inequality by recognizing existing unequal holdings and does not adequately protect landowners from market forces.
- Land re-distribution of different forms can be used to reverse land concentration and combat landlessness, with some approaches doing more than others to challenge the power of large landowners.
- Those who have unfairly lost their land have an internationally guaranteed right to the restitution of that land. Restitution needs to be done carefully to avoid creating a new set of people with their own claims because they are evicted from their land to restitute it to others. Also, in cases where there are large numbers of people needing to have their land restituted to them, mass claims mechanisms may be used.

Women's land rights: Women's land rights are important for gender equality and women's empowerment and for women to be able to exercise other rights, in addition to being important on their own as human rights. But around the world, women do not own as much land or have access to as much land as men and do not have as secure land tenure. Social norms play an important role in the recognition or non-recognition of women's land rights, and changing social norms can be necessary if women's land rights are to be strengthened. An important first step in developing a government land and NR governance system that protects women's land rights is to ensure that women play a leading role in the design of mechanisms to protect their rights and in any institutions set up for this purpose. In general, gender-neutral policies do not work.

Agriculture and land governance: Land governance shapes who controls agriculture and agriculture systems shape who owns and uses land. One trend is for companies to control more and more land either directly or indirectly as industrial agriculture continually extends its reach. While many farmers may benefit from participating in industrial agriculture in different ways, others may end up selling their land when they are unable to generate profits. Farmers may also sell their land when they are unable to compete with industrial agriculture. There is a global movement to reclaim agriculture from corporate control and promote "food sovereignty" instead. Another trend is for people to leave the farm altogether. Those who do so may sell their land, making them vulnerable if their employment is insecure.

Ensuring effective implementation: Factors important for ensuring effective implementation of land and NR governance systems include, in addition to political will: citizen engagement, which in turn depends on transparency within the system; efficiency and simplicity, which in turn depends on laws being clear and unambiguous; legitimacy of the system in the eyes of the people, so that most people will willingly comply with it; strategic approaches to deal with powerful groups, so that they will not create obstacles that prevent implementation; and institutions that are not overly hierarchical, that serve the people, and that have clear, non-overlapping roles.

What it is possible to achieve will be different everywhere and it is necessary to be realistic. It is also essential to build accountability to the people into the process of designing a system as well as into the final system. Designing a system based on citizen engagement and consent can result in greater legitimacy of the final system as well as help to avoid the system creating new problems.

1. Introduction

This reference manual examines different aspects of land and natural resource (NR) governance that are important to consider in designing a new land and NR governance system or reforming an existing one. In particular, it examines how to achieve pro-poor and democratic land and NR governance that protects the rights of Indigenous peoples and women and that respects international law and norms[1]. It promotes thinking "outside the box" to go beyond the typical frameworks of existing land and NR governance systems.

Land and natural resource governance systems

Land and natural resources provide a basis for life, culture, human well-being, ecosystems, and local and national economies. How they do this is shaped by land and NR governance systems of governments, indigenous peoples, and communities, where land and NR governance can be defined as:

> The **rules, norms, processes, institutions, and structures** that determine how **decisions are made**, how **competing interests are managed**, how **power and responsibilities are shared**, and how **decisions are implemented and enforced** with regard to **access** to and **use** of land and natural resources and **how citizens participate in and benefit** from the management and use of land and natural resources[2].

Common components of land and NR governance systems include surveying and mapping, recording and registering land rights, assessing the value of land and collecting tax, managing state land, defining and controlling land use, supporting development on land, managing natural resources, and conserving ecosystems and biodiversity[3].

Globally, government land and NR governance systems are often used to control people and enrich elites[4]. For example, people can be controlled by allowing them to live in some places and not others. Through the granting of permits to companies to exploit resources, businesspeople and their friends in government can get rich while ecosystems and local livelihoods are destroyed.

To the extent that the rights of Indigenous peoples and local communities are protected, this often happens through fixes *after* a land and NR governance system has been developed and is operational. For example, rights of Indigenous peoples to their lands might be *added onto* a land and NR governance system rather than being recognized *as a starting point* for land and NR governance.

Land and NR governance does not have to be like this. Government systems can be designed to ensure that land and natural resource wealth shifts increasingly into the hands of the poor to create a more equal society and that ecosystems are protected. In many cases, Indigenous peoples and communities have mechanisms to manage natural resources for the benefit of both people and nature. Government systems can be designed to recognize these systems and allow them to continue to function. The recognition of the rights of Indigenous peoples and communities can be made the foundation of governance systems.

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[1] These include the Voluntary Guidelines on the Governance of Tenure (VGGT), the UN Declaration on the Rights of Indigenous Peoples, the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas, and the Principles on Housing and Property Restitution for Refugees and Displaced Persons or *Pinheiro Principles*.
[2] See Palmer et al (2009) and Springer et al (2021).
[3] LEI (2006), Enemark (2009), Springer et al (2021)
[4] LEI (2006), Vandergeest and Peluso (1995)

In some situations, where there is a greater possibility to develop new systems, it will be possible to make use of more of what is written here. This will be the case especially in countries that are going through political transitions. For other situations, this manual will hopefully inspire new ways of thinking about how to approach reform of land and NR governance.

Note: The main manual is in plain text. Sections with light blue background contain additional material for readers seeking additional inputs. The boxes at the end of each section provide prompts for thinking about the design of a land and NR governance system.

Scope of this manual

The focus here is on the big picture, not on the details of land and natural resource administration. And it is mainly on land and NR governance by government, not by indigenous peoples and communities, with the understanding that these different systems need to fit together smoothly. (This distinction is a bit artificial, since there is no firm distinction between Indigenous peoples, communities, and government-administered entities.)

Various other aspects of society profoundly affect land and natural resource outcomes, including the degree of autonomy or self-governance of Indigenous peoples and communities, the nature of agricultural systems, and gender relations. This manual considers these and how they affect land and resource governance. The overall distribution of wealth and power in society and level of democratization are also important[5] but are beyond the scope of this manual.

[5] Borras & Franco (2010a), Franco et al (2015)

2. Aims of land and natural resource governance

Different stakeholders may desire different outcomes from a land and NR governance system. Clarifying the aims of the system is an important starting point for designing or reforming a system. Possible aims are shown in Figure 1.

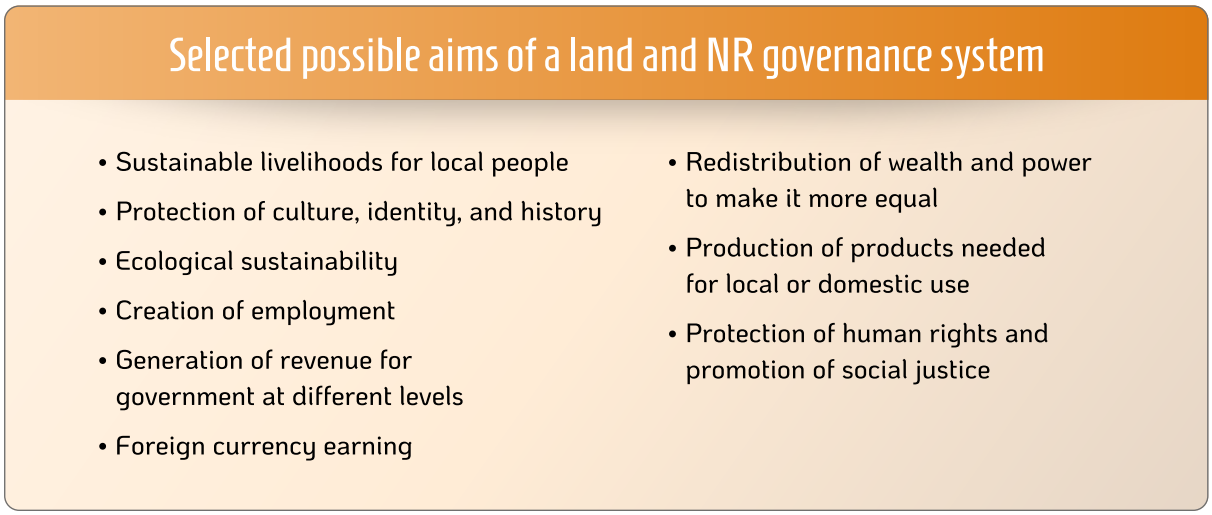
Selected possible aims of a land and NR governance system
• Sustainable livelihoods for local people
• Protection of culture, identity, and history
• Ecological sustainability
• Creation of employment
• Generation of revenue for government at different levels
• Foreign currency earning
• Redistribution of wealth and power to make it more equal
• Production of products needed for local or domestic use
• Protection of human rights and promotion of social justice

Figure 1. Possible aims of a land and NR governance system (among many others)

There will have to be tradeoffs between these aims, as achieving one often means not achieving another or not achieving it fully.

Box 1. Thinking about aims of land and natural resource governance

What outcomes should the land and NR governance system achieve?

Which outcomes should be prioritized?

3. Indigenous and community autonomy and land rights

Government land and natural NR governance systems are often based on the principle that the national government has ultimate authority over all land and natural resources in the country. In federal systems, where federal units (often referred to as "states") have autonomy and govern themselves, governments of the federal units may have ultimate authority over land and natural resources within the federal unit. But recognizing the autonomy of Indigenous peoples[6] and communities[7] and their authority over land and natural resources within their own territories is likely to result in better governance and in the case of Indigenous peoples is required by international law. Figure 2 below shows an example of possible autonomous entities within a nation.

Figure 2. Possible autonomous entities within a nation: federal units, Indigenous Peoples' territories, and community territories

[6] A frequently cited definition of Indigenous peoples is: "Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing in those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems." (Cobo, 1986)

[7] Throughout this manual, we use "communities" to refer to social units at the local (general village) level.

Autonomy of Indigenous peoples in international law

Under international law, Indigenous peoples have the right to autonomy and self-government. Section 4 of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) states:

> "Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions."

Section 26(1) states:

> "Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired."

There are numerous examples around the world of the autonomy of Indigenous peoples being legally recognized[8].

Autonomy of communities

Though international law does not require recognition of the autonomy of communities, there is a widespread acknowledgement of the importance of recognizing customary tenure (CT), which is essentially the recognition of a degree of community autonomy over land and natural resources. CT can be defined as follows:

> "Customary tenure encompasses the relationships between IPLCs [Indigenous peoples and local communities] and their natural resources (including water), which are governed by a set of customary rules and norms that communities use to express and order their ownership, possession, management, use, and regulation of those resources."[9]

While CT reflects autonomy with regard to land and NR governance, communities could also be granted autonomy regarding local governance overall.

There is widespread acknowledgement that community control of land and natural resources can lead to more sustainable land use, more effective conservation, and more effective use of land and natural resources to improve people's lives. Communities have a direct and immediate stake in how land and resources are governed.[10]

Typically, land is described as being either public, private, or communal. If the autonomy of communities is recognized, this framework no longer works. For example, an individual may have individual (private) land rights within the territory of a community, with the community's authority over the entire territory being legally recognized and recognition of the individual's land rights being by the community rather than by government. In this case, land is simultaneously both private and communal.

[8] For the examples of Canada and Scandinavian countries, see Government of Canada (2018), Alfredsson (1999), and Mortensen & Suksi (2019).
[9] Troell & Keene (2022:1)
[10] Kijazi et al (2017)

Exclusion of outsiders

If we take Indigenous and community autonomy seriously, individuals do not just have rights as citizens of a country but also as members of Indigenous peoples or communities. They might have some rights that non-members do not have, such as the right to acquire or own land.[11]

Various mechanisms have been used in different countries to limit the number of settlers in Indigenous or community territories. In many parts of Africa, settlers generally do not have land rights[12] and in some Scandinavian countries there are restrictions on non-Indigenous peoples acquiring land.[13] In Northeast India, the Inner Line Permit (ILP) system is used to restrict settlement. People from other parts of the country need an ILP to travel to parts of Northeast India and can work there but not live there permanently[14].

Critics may object that excluding non-members is unfair and unjust. Often these are poor people with few livelihood options. But Indigenous peoples may have legitimate concerns about settlers moving in from other places. In some cases, in-migration of settlers has resulted in the Indigenous people becoming a minority within their own territory.

Figure 3 below gives an example of how powers in land and natural resource governance could be allocated between government at different levels, Indigenous peoples, and communities. It does not include all powers that could be allocated to different entities.

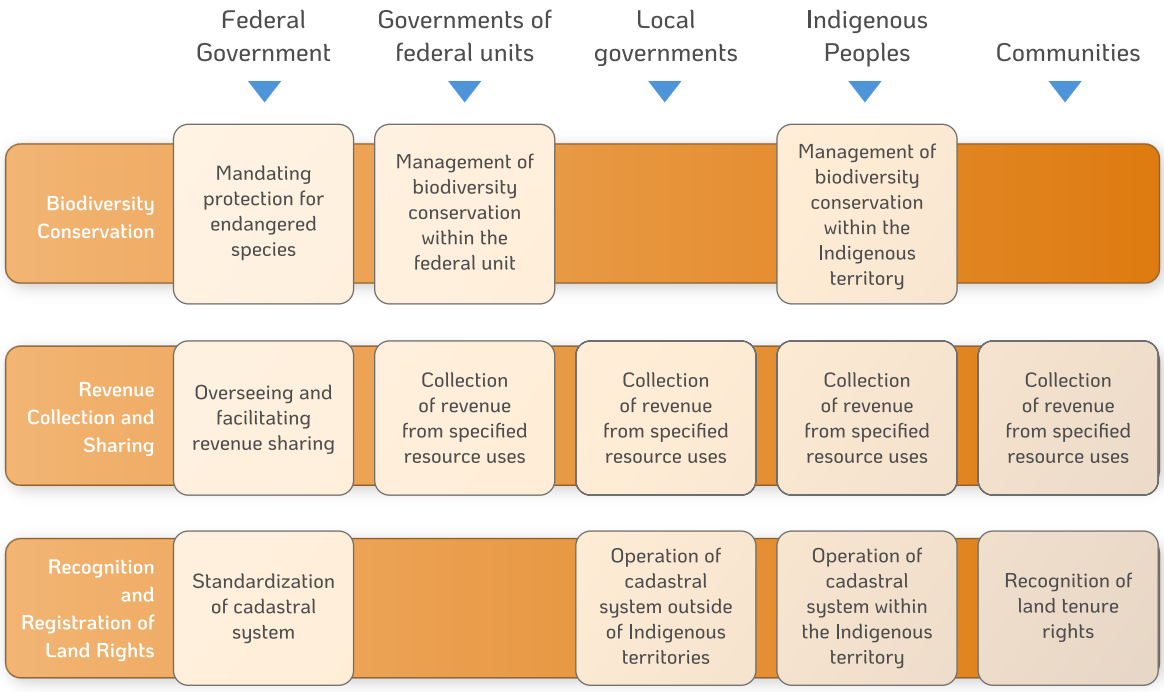
Federal Government
Governments of federal units
Local governments
Indigenous Peoples
Communities
Biodiversity Conservation
Mandating protection for endangered species
Management of biodiversity conservation within the federal unit
Management of biodiversity conservation within the Indigenous territory
Revenue Collection and Sharing
Overseeing and facilitating revenue sharing
Collection of revenue from specified resource uses
Collection of revenue from specified resource uses
Collection of revenue from specified resource uses
Collection of revenue from specified resource uses
Recognition and Registration of Land Rights
Standardization of cadastral system
Operation of cadastral system outside of Indigenous territories
Operation of cadastral system within the Indigenous territory
Recognition of land tenure rights

Figure 3. Example of allocation of powers between government at different levels, Indigenous peoples, and communities

[11] Lavers (2018)
[12] Lavers (2018)
[13] Suksi (2008)
[14] Nair (2016)

Recognizing the authority of Indigenous peoples and communities over land and natural resources within their own territories is an effective means to recognize their collective rights. As noted above, the collective rights of communities (often framed in terms of customary tenure) or Indigenous peoples are typically addressed as an add-on to a land and natural resource governance system *after* it is designed. Instead, the autonomy of Indigenous peoples and communities should be central to the design of the system. We should ask how their autonomy will be recognized *before* addressing matters such as individual land rights or natural resource management. These matters may be largely within the powers allocated to Indigenous peoples and communities (though the government system could support or regulate them in various ways).

Whenever differences based on ethnicity are highlighted there is the possibility that divisions will be created within society. It is therefore important to pay attention to this possibility and ensure that the process of developing a system as well as the final system itself contribute to peaceful relationships between different ethnic groups.

There may be strong resistance to using the term "autonomy" in a government legal framework. "Collective rights" or "customary tenure" might seem more appropriate. Even if terms such as these are used, it is a good idea to address these matters at the beginning, not as an afterthought after the basic framework of a system has been designed.

What could go wrong

Recognizing the autonomy of Indigenous peoples and communities over their territories is not without problems. For example, there is a risk in tying rights within a territory to membership in an Indigenous people or community. Within a territory there may be minorities of different ethnic groups or people whose ancestors are not from the area who have legitimate rights to live there and participate fully in social and civic life. Under international law (especially the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities), their rights must be fully protected.

Recognizing the autonomy of Indigenous peoples and communities over their territories ordinarily involves demarcating a boundary around the territory. Other peoples or communities may claim land within an Indigenous people's or community's territory. Boundary disputes and ethnic conflict can result.[15]

Unclear allocation of powers between government at different levels, Indigenous peoples, and communities can also result in disagreement over, or overlap in, the roles of different entities. For example, if a government body and a community both have jurisdiction over allocation of land within a community's territory, a disagreement between them on cases involving allocation could be difficult to resolve.

In addition, if the governance system of an Indigenous people or community is not strong, it could be manipulated by others.[16] For example, a powerful outsider could pay off community leaders to allow him to access land in the community. The solution might be either to strengthen these systems or not allocate powers if systems are not strong enough to handle them.

Under international law, the government of a nation is responsible for ensuring that human rights and other aspects of international law are respected throughout the nation's territory. If a federal unit, Indigenous people, or community were to violate international law, the federal or national government might have to step in.

[15] Lavers (2018), LEI (2006)
[16] Lavers (2018)

Box 2. Thinking about autonomy of Indigenous peoples and communities

What autonomous entities should be recognized?

What kinds of powers should each have?

Credit: Jean van der Meulen

4. Natural resource management

Natural resources are important in many different ways. They are important for ecosystems, local livelihoods, and culture. Governments use them to generate revenue to pay for their operations and industry uses them as raw materials for production. They are important for climate mitigation and adaptation.

Land and NR governance systems can prioritize different uses of natural resources. They can also shape how well natural resources are able to provide for these uses.

Competing uses of natural resources

There is often competition among different social groups over use of natural resources, and use of natural resources by some may affect the land use, livelihoods, and health of others. Community members may want to mine gold themselves while a company wants to set up its own mining operations. Government may rely on mining to generate revenue, but mining can result in loss of land of local communities and produce waste that negatively impacts communities. Operations of logging companies can change the local micro-environment and micro-climate and impact the ability of community members to collect forest products. Many arrangements, including "fortress conservation" (conservation through protected areas from which Indigenous peoples and local communities are excluded) and development of plantations, result in people being evicted from their land.

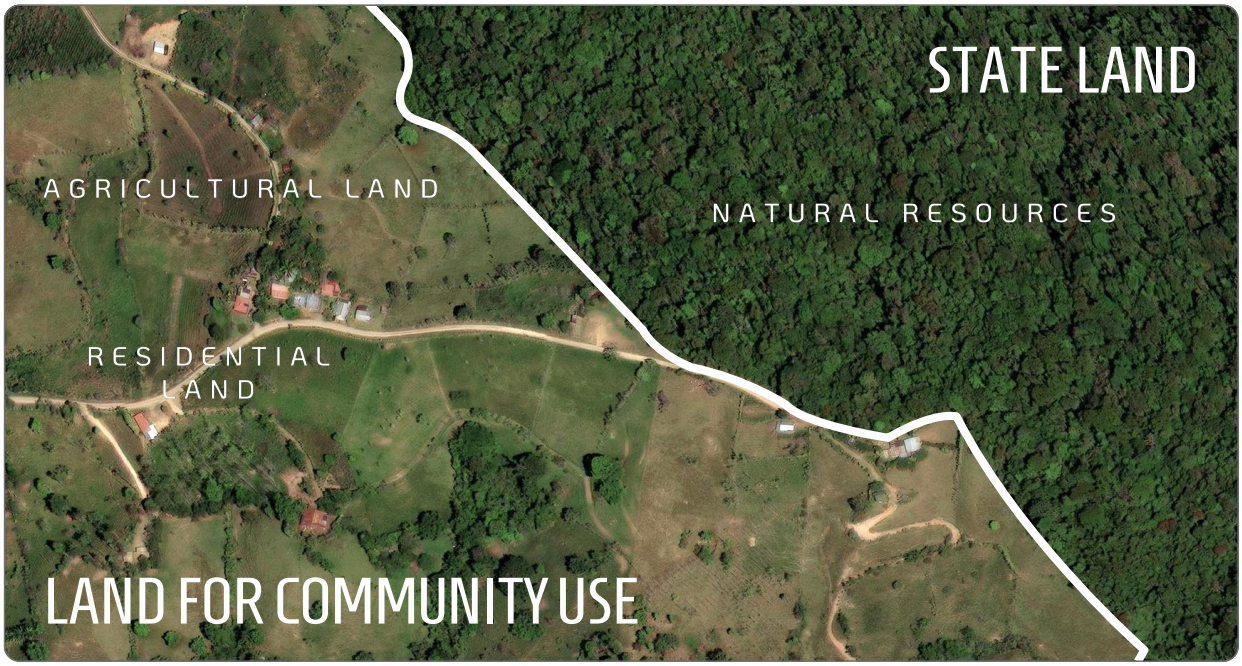

Figure 4. Typical (problematic) division between land for community use (private land) and state land (where there are significant natural resources)

Most natural resource management systems are based on a division between land for use by communities on the one hand and state land (land controlled by government) on the other, as shown in Figure 4 above. Land on which significant natural resources are located is typically categorized as state land. Land for use by communities often corresponds to private land – it is where long-term exclusive individual rights can be granted.

This division often results in communities not having access to land and resources to which they have legitimate rights and which are important for their livelihoods, culture, and identity. Community use of state land is often restricted. Landscapes within state land may be permanently altered through various government-controlled resource uses such as mining or plantations. Resources within state land are often degraded through commercial use.

Resource use on state land

Within state land, private or state-owned companies are often authorized to extract natural resources, develop plantations, and exploit natural resources in various other ways. The logic is generally that the companies generate revenue for government (directly or through royalties and taxes), create employment, and produce products for use by society. Also within state land, protected areas are created from which people are excluded and nature is protected – the fortress conservation model. This model is critiqued for undermining the livelihoods of Indigenous peoples and local communities and causing their displacement, while failing to protect biodiversity.[17] Payment for Ecosystem Services (PES) projects (such as protection of watersheds to protect water supplies for cities) and Reduced Emissions through Deforestation and Forest Degradation (REDD)+ projects (protecting forests to absorb carbon dioide) are also often implemented on state land and involve the exclusion of people from these areas.

Credit: Google Earth

[17] Brockington (2015), Büscher (2016), Siurua (2006), Mahalwal & Kabra (2023), Youdelis et al (2021), Petriello et al (2024)

It is common for natural resource management to involve corruption. Natural resources can be extremely valuable, and officials may allow illegal activities in exchange for bribes. There are often powerful groups involved in natural resource exploitation who operate behind the scenes. The aim of generating government revenue and creating employment through the exploitation of natural resources is often not fulfilled and, instead, the rich get richer, ecosystems are destroyed, and communities suffer[18].

There is now widespread recognition that Indigenous peoples can conserve ecosystems and biodiversity effectively when allowed to do so. The same is true of local communities, who are the most affected by the impacts of natural resource exploitation and often have strong interests in sustainable natural resource management. Destruction of natural resources has been shown to be driven not primarily by communities but by outside forces, and communities often oppose the destruction of natural resources.[19] While communities may be involved in destroying forests, this is often driven by powerful actors and enabled by corrupt government officials. Indigenous peoples and communities can play an important role in preventing illegal logging, and illegal logging may increase when they are excluded from landscapes.

Instead of basing natural resource management on government control of state land, an alternative approach is to recognize areas with significant natural resources as lying within Indigenous peoples' and communities' territories and to recognize Indigenous peoples' and communities' powers to control use of those resources.

Resource management by Indigenous peoples and communities

Indigenous peoples could decide how to balance different outcomes themselves, including conservation, livelihoods development, preservation and development of culture, revenue generation, etc. There could be benefit-sharing arrangements through which they give up part of the value they generate through exploitation of resources for the benefit of those living in areas without such resources or for the benefit of society as a whole.

There is an ongoing move away from fortress conservation to community conservation and a recognition that effective conservation requires government to give up power to communities – though also that elites can undermine conservation by communities.[20]

Even if a high level of autonomy of communities is not recognized, communities can still be empowered to manage all natural resources within their territories rather than creating a division between areas for exploitation and conservation of natural resources and areas for use by local communities.

It may also be appropriate not to exploit certain natural resources commercially to avoid harm done through their exploitation.

[18] LEI (2006)
[19] Lawrence et al (2019), Siurua (2006)
[20] Lawrence et al (2019), Siurua (2006), Rai et al (2021), Artelle et al (2019), Youdelis et al (2021), Brockington (2015)

The option of not exploiting resources

Governments generally assume that if significant amounts of resources exist they should be exploited commercially, but this is not necessarily a valid assumption. For example, it may well be the case that leaving gold ore in the ground is better than mining it. The costs of exploiting gold ore commercially (in terms of loss of ecosystems, impacts on local livelihoods and health, climate impacts, etc.) may outweigh the beneifts. The climate crisis makes this increasingly the case as healthy ecosystems are important for climate resilience and are becoming increasingly important to mitigate climate change.

In any arrangements, there need to be legal and administrative safeguards to ensure that elites at all levels (including local) do not take advantage of the system. Because there is so much money involved in natural resource use such abuse is always a risk. Governments sometimes impose moratoria on resource extraction until they are able to put strong management systems in place.

Implementing the principle of free, prior and informed consent (FPIC) would go a long way towards improving natural resource management. Those affected by the creation of protected areas, exploitation of resources, etc. need to have complete information about them in advance and give their consent to them, without coercion, before they go ahead. In the case of Indigenous peoples, FPIC is required by international law.

Box 3. Thinking about natural resource management

Refer to Box 2 regarding the different entities whose autonomy should be recognized and to Figure 3 above for a sample allocation of powers.

Which powers related to natural resource management should be allocated to government at different levels and to different entities?

To what extent should Indigenous peoples and communities be allowed to decide how to manage natural resources within their territories themselves? Does this authority need to be regulated? If so, by whom?

What powers should government at different levels have with regard to natural resource management?

5. Land classification

Land and NR governance systems often involve the classification of land, with different rules for land use and different land rights allowed in different categories of land. (See Figure 5 below.) We have just seen how classification of land into land for use by communities and state land is often used to regulate use of natural resources. Community members may be allowed to own land in certain categories of land and not others. Likewise, industry may be allowed in some and not in others.

Classification shapes who has power over land and resource use (often centralizing this power)[21] and is often used as a means of controlling land and people. Categories are often imposed from above, even if the actual determination of the boundaries of categories involves the participation of local people.

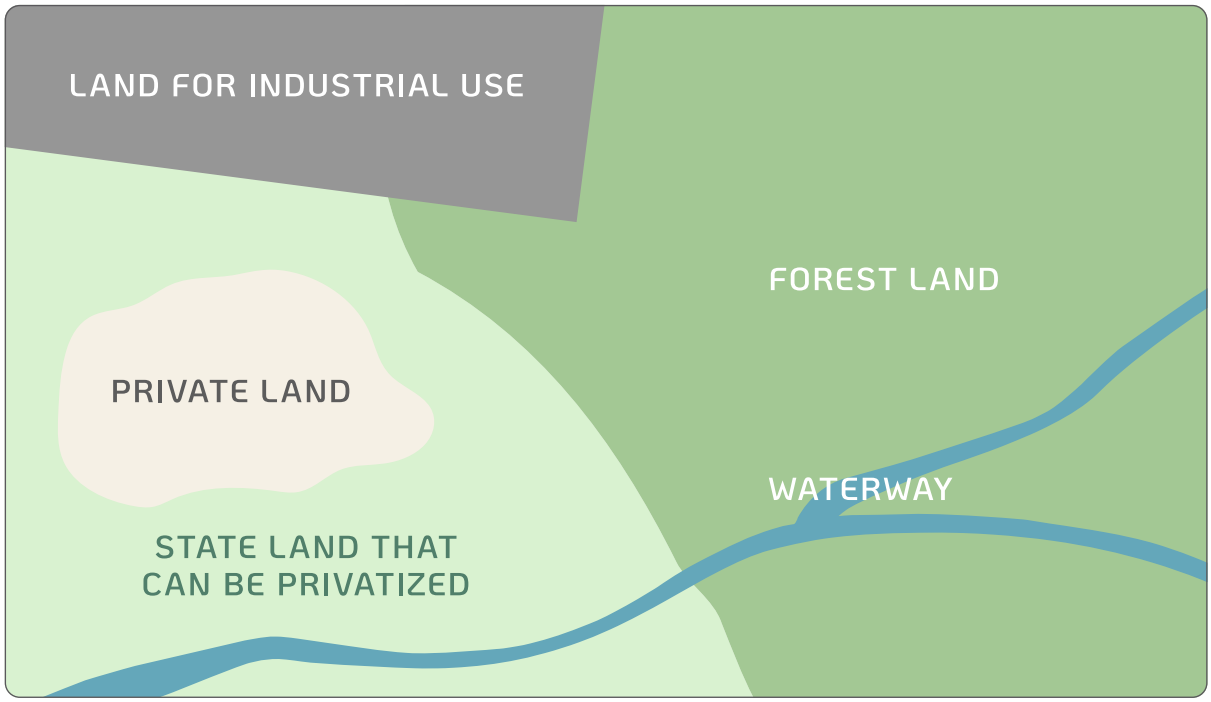

Figure 5. Typical (problematic) land classification

[21] Kijazi et al (2017)

Land classification, control, and land rights

Land is often assigned to categories before the rights of communities and Indigenous peoples are determined and without the consent of those impacted by the classification. Categories are often based on assumptions that are not valid, such as that communities do not have valid claims to forested areas or that there are areas of unused or underutilized land.[22]

Classification often results in what can be called "statutory land grabs": people losing rights to land through the law, without the land actually being allocated to someone else or being taken by a "land grabber". Across Asia, creation of permanent forest estates has been a way to deny people rights to live in forested areas.[23]

Top-down classification is incompatible with community autonomy because it controls how communities can use their land.

Often, different categories of land are under the control of different government departments, and categorization can result in conflicts between departments. Also, the economic benefits of classifying land in certain categories may create incentives to assign land to categories in ways that do not deliver the best land outcomes.[24]

For these and other reasons, there are calls to ignore existing land categories and start over.[25] Starting over could involve recognizing community autonomy and letting communities decide what (if any) land categories they want to use. Even if community autonomy is not recognized, community-led processes can be used to decide how land should be used.

Land use planning

Land use planning is closely linked to classification. Land use changes over time, and land use planning involves determining how land should be used in the future to attain optimum outcomes as well as how to ensure that land is used for those purposes. Often it involves classifying land for different allowed or preferred uses.

Land use planning can be more top-down or more bottom-up. Top-down land use planning is likely to result in the top-down imposition of categories, with associated problems such as those described above, while bottom-up planning is likely to avoid many of these problems. Land-use plans developed by individual communities could be combined into higher-level overall land use plans.

Two areas where land use planning is used especially are managing the transition from rural to urban land and managing urban development. Without proper planning, urban expansion and development can result in loss of agricultural land (impacting food security), loss of ecosystem services (resulting in flooding and loss of biodiversity), urban sprawl, loss of open space, housing shortages, and other problems.[26]

[22] LEI (2006), Borras & Franco (2010b)
[23] Vandergeest and Peluso (1995)
[24] Kijazi et al (2017)
[25] Borras & Franco (2010b)
[26] Grover et al (2007), LEI (2006), Tan et al (2009), Song et al (2018), Hersperger et al (2020)

Box 4. Thinking about land classification

Should land be classified? If so, by whom and through what processes?

How can land use planning and land classification be done so as to respect existing legitimate rights and promote desired land outcomes?

Credit: Van Long Bui

6. Land rights

Recognizing and securing rights is one of the main functions of land governance systems. Key issues include: What kind of land rights will be recognized? On what kinds of land? Who will have land rights? How strong will land rights be? How easily can land rights be transferred? How will land rights be secured or guaranteed?

Aims of recognizing land rights

Within a government, Indigenous people's, or community system, the recognition of individual land rights serves various functions. What land rights are recognized within a land governance system should reflect what outcomes the system aims to achieve.

For one, land rights shape land use. People can be expected to use land in different places differently based on the nature of rights allowed in each. For example, they may farm in some places and collect forest products in others.

Land rights also enable people to benefit from land use. Rights can help people maintain their access to land and benefit from any investments on it. Rights can give people the *assurance* that they will be able to benefit in the future from investments made and the *confidence* to make those investments.

Land rights shape the structure of wealth in society. They determine who has access to land and can benefit from it. For example, allocating land rights to the working class can shift wealth and power towards them.

Land rights can also help to promote social justice and protect human rights. They can recognize people's past use of land that was taken away and help them regain that land, and create greater equality within society. The right to land is now recognized as a human right[27] and many other human rights depend on having access to land.[28] Land rights are essential to the human right to food by ensuring that people who need it have land on which to produce food. Women may be able to better secure their rights in society if they have land of their own (as will be discussed in more detail below).

The origin of legal land rights

Land rights that have legal backing generally originate in one of three different ways, as shown in Figure 6 below. First, they may come about through a legal process through which rights are granted or recognized. This is often associated with better protection of rights, but it has the disadvantage that land for which rights have not been granted or recognized is often insecure. Whether or not rights are granted or recognized may also have little to do with the legitimacy of someone's claims and more to do with historical factors and government's way of working. For example, rights may not be granted or recognized simply because government has not completed a survey in the particular area.

[27] De Schutter (2010), Franco et al (2015)
[28] Kramer et al (2021)

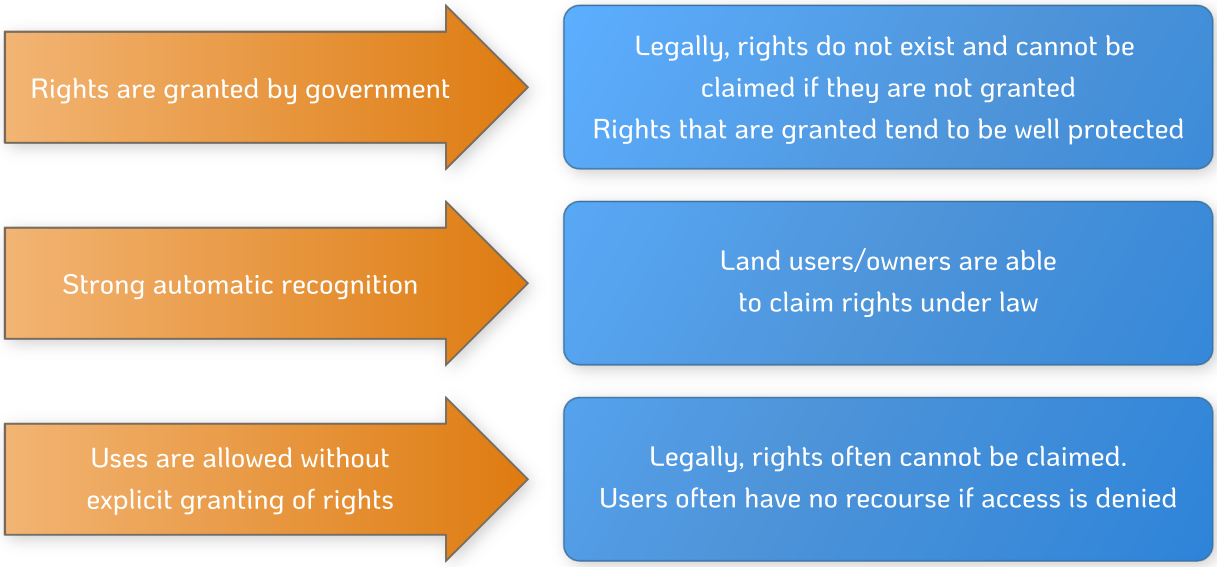
Rights are granted by government
Legally, rights do not exist and cannot be claimed if they are not granted
Rights that are granted tend to be well protected
Strong automatic recognition
Land users/owners are able to claim rights under law
Uses are allowed without explicit granting of rights
Legally, rights often cannot be claimed.
Users often have no recourse if access is denied

Figure 6. Different typical origins of land rights in government systems and their consequences

Second, land rights may come about automatically, without a legal process of granting or recognizing them. This may give a landowner or land user the ability to make legal claims to the land and thus provide tenure security. In such cases the burden on the landowner is reduced. For example, the law may automatically recognize the right of anyone who has used land peacefully for a certain period of time to own the land. If there is a dispute, the landowner will have the legal basis to make a claim on the land, though in practice such claims are often unsuccessful.

Third, land and NR governance systems may automatically allow people to use land without actually recognizing their rights to the land. For example, people living near a forest are often automatically allowed to collect non-timber forest products (NTFPs) in the forest. But if that land is leased to a company and they can no longer access it, they often have little way within national law to claim rights to the land.

It is important that people are able to claim legitimate land rights even if those rights were never legally granted or recognized.

Recognition and protection of legitimate land rights

The Voluntary Guidelines on the Governance of Tenure (VGGT) state that all "legitimate tenure rights" should be recognized and safeguarded, even if the formal system never recognized them in the past. Legitimate tenure rights include rights that are socially legitimized by customary systems and social norms and rights that are recognized internationally. In practice, government land and NR governance systems often do not recognize all legitimate land rights or provide protection for all legitimate rights that are recognized.[29]

Long-term exclusive individual land rights

Long-term exclusive individual land rights are often associated with government systems, while shorter-term, less exclusive, and collective rights are often associated with community or customary systems. However, long-term exclusive individual rights also exist within customary or community systems – and they are sometimes as long-term, as exclusive, and as individual as rights that are recognized in government systems[30]. In practice, community or customary systems often recognize the long-term exclusive individual rights of community members over larger areas of land than do government systems.

The "bundle of rights" framework

The "bundle of rights" framework is often used to describe land rights. The bundle consists of a variety of different rights, and people may have some of those rights with regard to their land but not others. For example, they may have the right to use land but not the right to exclude others from it.[31]

In the case of long-term exclusive individual land rights, there is a nearly or entirely complete bundle of rights.

To the extent that government land and NR governance systems allow or recognize customary tenure systems, they often emphasize communal land uses within those systems. People seeking protection for long-term exclusive individual rights may be encouraged to register their land through the government system. However, it is entirely possible for these rights to be governed by customary systems, including for communities to register land themselves, internally. (See Figure 7 below.)

[29] Borras & Franco (2010b)
[30] Chauveau & Colin (2007), Pedersen et al. (2012), Wily (2011)
[31] Schlager and Ostrom (1992)

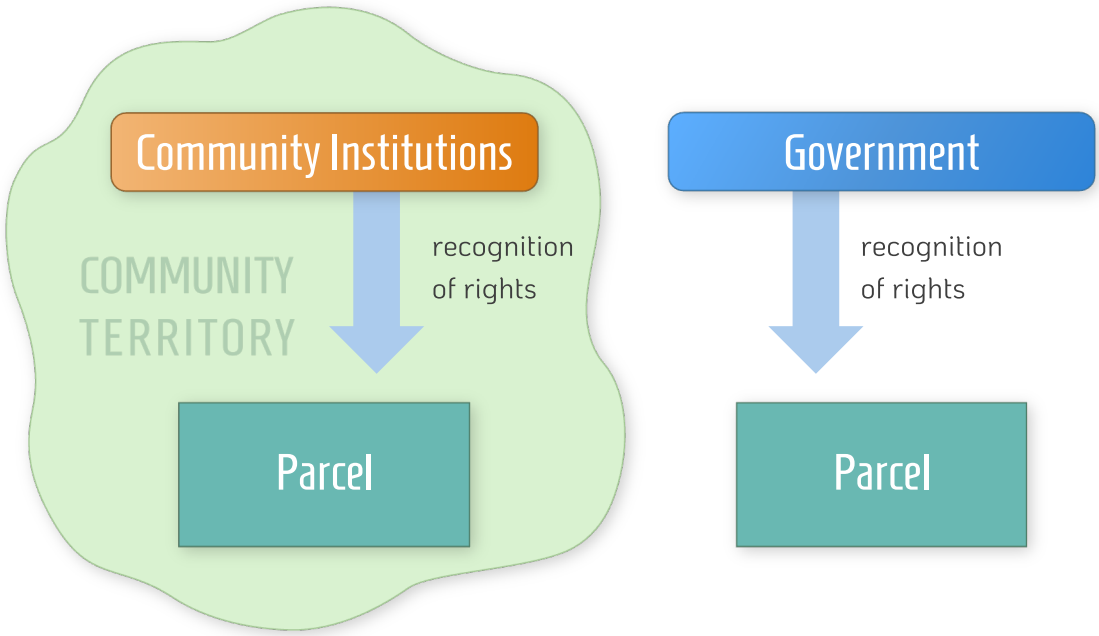

Figure 7. Recognition of individual rights to a parcel of land in customary and government systems

Long-term exclusive individual land rights managed by both customary and government systems

Often, long-term exclusive individual land rights for a particular area of land are managed through both community/customary systems and government systems at the same time. For example, rights may be registered formally through the government cadastral system while also being recognized by the community through its own system. Transactions and disputes may be managed by the community. Proving ownership at the local level may not require land titles, because of mutual recognition of land rights.

Where customary systems exist, it may be best for the government system to leave land and natural resource governance up to them. Recognizing community autonomy is one effective way to do this, as discussed above. If both government and customary systems will be operational in the same area, the different roles of each should be clearly distinguished.

Where both systems are operational side-by-side, those with greater power and stronger relationships with authorities may have more flexibility than others to decide which system to use, and use the one that benefits them the most. Checks should be put in place to prevent them from having this unfair advantage.

Shorter-term, less exclusive, and/or collective land rights

Many government systems *allow* shorter-term, non-exclusive, and/or collective land uses without explicitly recognizing and protecting the underlying rights as noted above. Protections for such rights (shown in Figure 8 below) are often much weaker than for long-term exclusive individual land rights.

A land and NR governance system should protect all land rights, whether short-term or long-term, inclusive or exclusive, collective or individual. In particular, it should be designed to protect shorter-term, non-exclusive, and/or collective land rights, not just allow these uses.

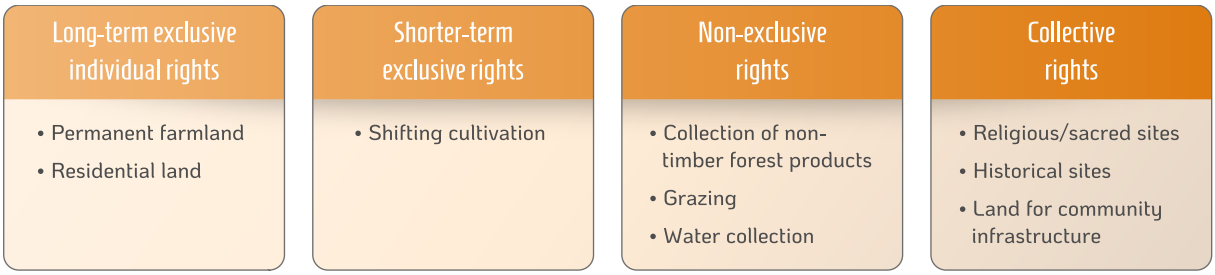

Figure 8. Examples of different kinds of rights to land and natural resources

Shorter-term, less exclusive, and/or collective land rights and long-term exclusive individual land rights in government systems

In government systems, shorter-term, non-exclusive, and/or collective land rights are often treated very differently from long-term exclusive individual land rights. In particular:

- Many land and NR governance systems emphasize the recognition and protection of long-term exclusive individual land rights but not of other rights.
- Long-term exclusive individual land rights, on the one hand, and other kinds of rights, on the other hand, are often treated as qualitatively different – as being two completely kinds of things. For example, people's right to access a forest to collect non-timber forest products or graze cattle is treated as a completely different kind of thing from their right to own a plot of land for farming, even when the first is more important to their livelihoods than is the second. This division is artificial, but it has often become so deeply entrenched that it seems natural.
- Long-term exclusive individual land rights often exist legally only after there has been a legal process (typically involving land registration and titling) through which these rights are granted or recognized. To the extent that other rights exist, they often exist automatically, without a legal process of granting or recognizing them. As noted above, this can result in people being unable to claim these other land rights.
- Related to the previous points, protections for shorter-term, non-exclusive, and/or collective land rights are often much weaker than for long-term exclusive individual land rights.

Land rights should be recognized as existing along continua, between short-term and long-term rights, less exclusive and more-exclusive rights, and collective and individual rights. If rights are to have any meaning, all rights along these continua should be protected. (This should not be confused with the "continuum of land rights" which describes land rights as existing on a continuum between informal and formal rights.[32])

[32] UN Habitat (2008)

Credit: Google Earth

Rights on land for community use and state land

Above, we saw the consequences of dividing land between state land and land for community use with regard to natural resource management. There are also consequences for the recognition of rights.

Land for community use is generally associated with long-term exclusive individual land rights and state land with non-exclusive rights or (often) no rights at all. (See Figure 9 below.) Like the division between long-term, exclusive individual rights and other kinds of rights, the division between land for community use and state land is artificial but has become so deeply entrenched that it seems natural.[33]

[33] The Housing, Land, and Property (HLP) framework may reinforce the division between private and state land. It differentiates between "housing" (where the concern is adequacy of housing and prevention of forced evictions), "land" (referring to customary rights of Indigenous peoples and other communities), and "property" (the formal legal system of rights related to possession, ownership, and transfer, generally referring to long-term exclusive individual rights). It was developed in relation to disasters and conflict, to identify what rights people might have had previously, even if they were not formally recognized. The distinction between "property" and "land" is similar to that between private and state land. (In government systems, customary rights often exist on state land.)

The division between land for community use and state land reinforces the tendency to protect long-term exclusive individual land rights and not other kinds of rights. Categorizing land as state land minimizes the importance of protecting people's land rights on it – often land rights that are shorter-term, less exclusive, and more collective.

STATE LAND
temporary non-exclusive rights or no rights
long-term exclusive individual land rights
LAND FOR COMMUNITY USE

Figure 9. Typical community land uses allowed on land for community use and on state land

State land and land rights

People may have legitimate individual or collective ownership rights to land but no legal ownership rights because the land is categorized as state land. Uses of state land are often highly restricted (as shown in Figure 9 above) and people's legitimate uses of state land are often considered to be illegal.

The landless and land-poor are likely to have little opportunity to acquire land. All land that can be individually owned is typically already owned by someone and remaining land is typically state land which cannot be individually owned. Mechanisms for converting state land to private land may exist but are often only or primarily available to the wealthy and powerful.

Government institutions are generally considered to have authority to decide how state land is used, and people are excluded from decision-making on land use on state land.

If communities' collective rights over their territories are recognized and they are allowed to govern their territories themselves, the distinction between private land (where people have rights) and state land (where people don't have rights) disappears. All land within the territory becomes community land, with rights that are shorter- or longer-term, more or less exclusive, and more or less collective allowed in different parts of the territory.

Property rights and land markets

The term "property rights" is used to refer to long-term exclusive individual land rights, such as rights to farmland and residential land. Governance systems often try to strengthen such rights – making them even more long-term, exclusive, and individual as well as more secure. They also often try to create "land markets" so that people who can use land the most efficiently are able to buy it from those who cannot. (See Figure 10 below.) The overall aim of this "property rights and land markets" approach is to maximize the efficiency of land use.[34]

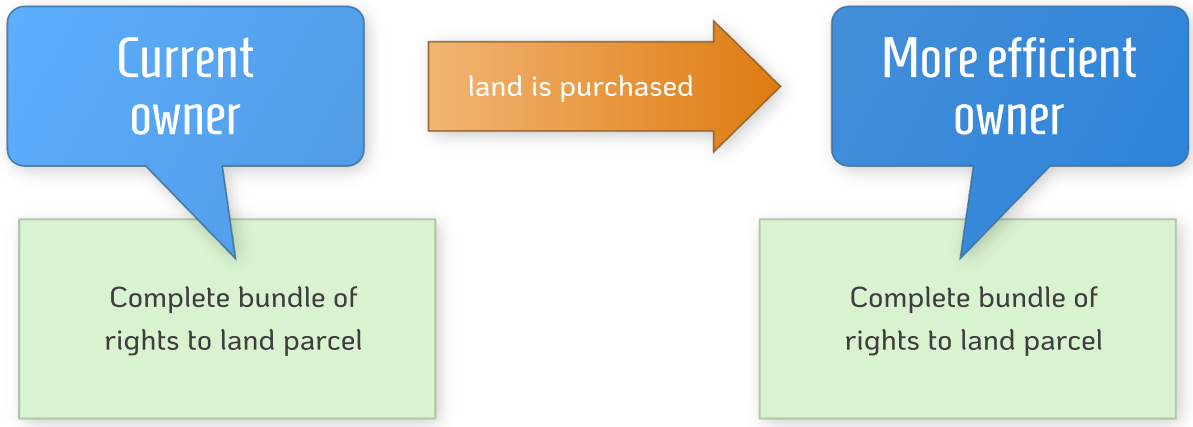
Current owner
land is purchased
More efficient owner
Complete bundle of rights to land parcel
Complete bundle of rights to land parcel

Figure 10. The property rights and land market approach

The property rights and land market approach

The property rights and land market approach is supposed to maximize the efficiency of land use by:

- Ensuring that land is the hands of those who can use it most efficiently. If one person/investor is able to use land more efficiently than another, and generate more profit from it, the first person/investor can buy the land from the second.
- Giving people the confidence to invest in their land and ensure that they will be able to benefit from their investment.
- Allowing people to use their land as collateral for bank loans (by giving them clear rights to their own individual land). In this way they can benefit from the high value of their land which otherwise they would not be able to do unless they sold it.

Systems that follow this approach often treat land as a commodity (something that can be bought and sold easily by any willing buyer and seller) whose only value is as a means of generating profit, even though land has many other values[35]. These systems may not be concerned with whether land is in the hands of the poor or rich, only that it is in the hands of people who will use it to generate

[34] Borras & Franco (2010b), Enemark (2009)
[35] Courville & Patel (2006), Wittman & James (2022)

the greatest profits (who, in practice, are often the rich). They often result in the poor losing their land through market forces.[36] This approach leaves communities and social relations out of the picture, concerning itself only with individual landowners and the government that recognizes and protects their rights.[37]

Property rights systems are also vulnerable to land speculation. People and entities with wealth may be able to generate profit not by using land productively but simply by waiting for the price of the land to rise. Increasingly, investors are investing in land, especially farmland, because they see it as a secure long-term investment[38].

Taxation of land

Landowners often pay tax on private land to government, especially to local level government. In some Indigenous territories they pay tax to Indigenous governments or administrations. While land taxes have been criticized,[39] they are often thought to result in better governance outcomes overall because they result in a kind of contract between the people and government.[40] People who pay taxes are likely to demand more of their government than those who do not.

Tenure security and land titling

A mechanism commonly used by government systems in securing long-term exclusive individual land rights is titling.

Land titling can have various negative effects that need to be considered. (See Figure 11 below.) It often results in the formalization of only some legitimate land rights and can result in decreased tenure security for non-titled land. When no one has a title, not having a title does not indicate that someone does not have legitimate land rights. But once some land is titled, it may be perceived that people do not have legitimate rights to any land that is not titled.[41] Titling also undermines customary tenure systems by imposing a government system[42] and often formalizes land inequality by recognizing existing unequal holdings.[43] In addition, it may not protect landowners from market forces, which are often a main way people lose their land.[44]

[36] Franco et al (2015), Courville & Patel (2006)
[37] Borras & Franco (2010a)
[38] For example, around the world, both private and public pension funds are invested in buying up farmland for this reason.
[39] Farrelly (2004)
[40] Feir et al (2024)
[41] Hirsch (2011)
[42] Wily (2017), Cotula & Neves (2007)
[43] Franco et al (2015), Franco & Borras (2021)
[44] Franco et al (2015)

To the extent that land is titled, efficiency, legitimacy, and low cost are important. Often, after land is registered initially, people do not keep registration up to date when land changes hands because it is expensive or difficult to do so. Administration of land titles can happen at different levels, but it is often thought that it is good to have one standard cadastral system for the entire country.[45]

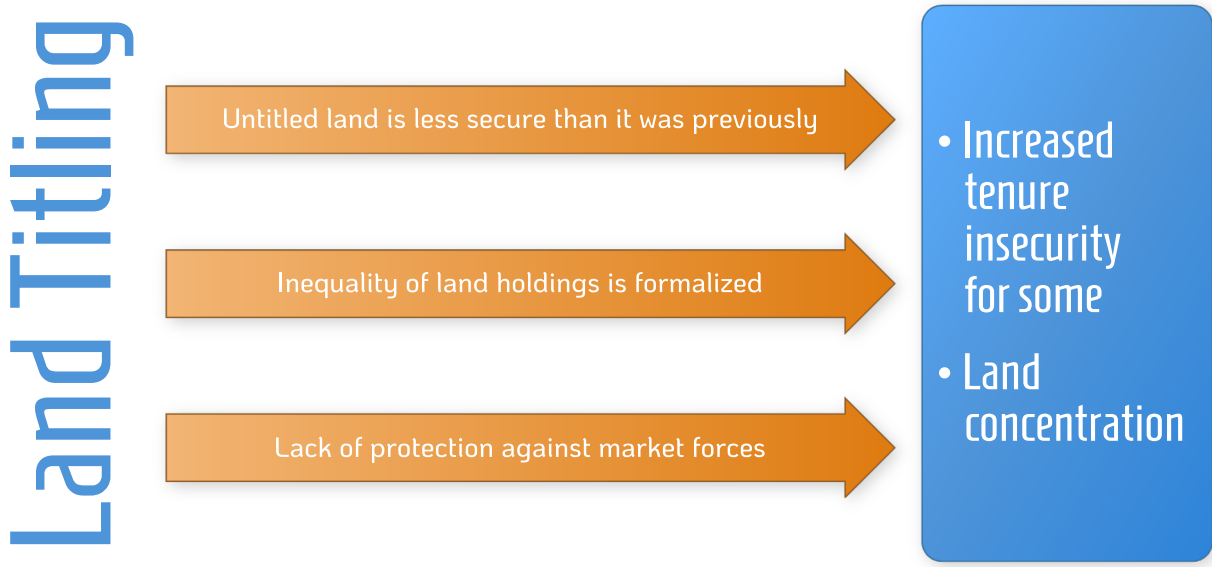
Land Titling
Untitled land is less secure than it was previously
Inequality of land holdings is formalized
Lack of protection against market forces
• Increased tenure insecurity for some
• Land concentration

Figure 11. Common effects of land titling

Land titling distracting from other more urgent needs

Land titling may distract from other more urgent needs, especially dealing with unequal land holdings and unequal power relations through redistribution of land and recognizing rights where they are not yet recognized.[46]

Securing land through customary systems

In community or customary systems, rights are often mutually recognized by the community, and people do not use land that they know belongs to someone else. Rights are also often recognized by customary or local authorities, who may or may not keep written records, based on social norms. And there may be various social sanctions for people who violate others' land rights.

Community or customary systems are typically much more efficient than formal cadastral systems and recognition of land rights is updated almost instantly. When land changes hands, the new owner is recognized immediately by the community and customary or local authorities. These systems are generally

[45] LEI (2006)
[46] Franco & Borras (2021), Borras & Franco (2010b)

more accessible to the poor than are government systems, though women, minorities, and other marginalized social groups may still have unequal access to them.

It may not be necessary for government to title all land for which people have long-term exclusive individual rights. Recognition and protection of land through community or customary systems may be sufficient and more efficient than registration through a government system.[47] It is also possible for government systems simply to record what is already documented at the local level.[48]

Credit: Peter Wiesner

Land concentration and re-distribution

Land ownership is often unequal within communities and across larger areas. Elites may own or control large amounts of land and there may be many landless or land-poor people. In general, aside from times when land reforms have been carried out, there has been a trend towards increasing land concentration or inequality in land ownership, resulting in poverty. In rural areas, land tends to move out of the hands of those who work it directly into the hands of those who do not.

Land sales often involve those with less resources selling their land (to meet basic needs) to others with more resources (who may be able to invest more in the land or resell it for profit). This tends to happen more as areas get more deeply incorporated into the market economy. Government policy may also favor large-scale farms.

[47] LEI (2006)
[48] Hendricks et al (2019)

Land inequality in customary systems

In some customary systems there are mechanisms to prevent anyone from accummulating too much land, and historically it has often not been possible for someone to benefit from owning a large amount of land. In others, however, there is extreme inequality. Clan leaders or community leaders may own all of the land of the clan or community. In customary or community systems in which original ownership of land is based on clearing it, inequality in land holdings may result from households having unequal labor to clear new land. Inequality may also result from norms allowing people to claim land without clearing it, and some being able to claim much more land than others.

Landless outsiders who move into an area for work may not be able to acquire land and thus remain landless.

A fundamental question in developing a land and NR governance system is whether and how the system should influence the equality of land holdings and which social classes have greater opportunities to access land. Systems can contribute to land concentration, with the poor having rights to increasingly less land, or help to reduce it. Systems can help get land into the hands of those who will farm it, those who will hire workers to farm it, or those who will simply hold on to it to resell when the price rises.[49]

Different measures to curtail land concentration and prevent landlessness are found in different systems around the world. In Ethiopia, for example, all citizens are guaranteed the right to land without payment.[50] Some systems impose land ceilings (a maximum amount of land that one person can own). Some have measures to redistribute land and control over land.

Very broadly, there are three main approaches to land redistribution, as shown in Figure 12 below. The first is through **land markets**. Individual rights to land are recognized and land markets are made more efficient, with the aim that those who can use land more efficiently will buy it. To the extent that smaller farms are more efficient than larger farms, land may end up in the hands of farmers with smaller holdings.[51] This approach is critiqued for not getting land into the hands of those who need it most (since they may not be the ones who can use land most "efficiently"), for not changing the overall wealth and power structure in society, and for assuming that rich and poor can participate equally in land markets. A partical solution is to assist beneficiaries in buying land through subsidies or other means. But land concentration often happens all over again following redistribution.[52]

The second approach involves **acquiring land from large landholders, either by buying it from them or through coercion, and redistributing it to the landless and land poor**. Government is usually directly involved. This approach has resulted in some of the most successful cases of land redistribution and even changes in the power structure in society[53]. It is critiqued for the use of coercion, the potential for abuse and corruption, and inefficiency[54]. South Korea, Taiwan, and Japan are particularly well-known and successful examples of this approach.

[49] Borras & Franco (2010b)
[50] Lavers (2018)
[51] Lahiff et al (2013)
[52] Lahiff et al (2013), Borras (2003), Borras & Franco (2010a)
[53] Rivera & Gómez (2019), Eguren (2019) Borras (2003)
[54] See Lahiff et al (2008) for a challenge to these critiques.

The third approach is to **distribute land that is considered to be state land**, often land that government considers to be under-utilized land or "wasteland".[55] One problem with this approach is that there is little state land suitable for redistribution for which no one has legitimate claims.

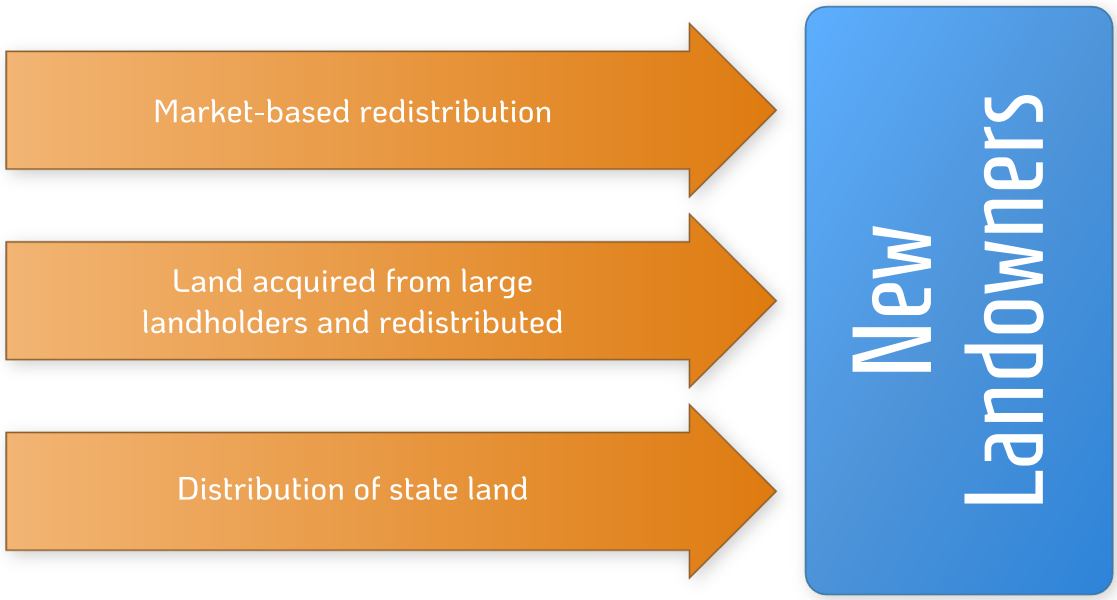

Figure. 12. Three common approaches to land redisribution

Land redistribution by Indigenous peoples and communities

While many land redistribution schemes have been carried out or led by government, Indigenous peoples and communities may have their own ways of making land available to the landless or land-poor or preventing excessive land concentration. They may limit the amount of land an individual can own. They may maintain commons that the landless and land-poor can access or that can be allocated to them. They may require that people return land to the community if they leave the village, and such land can be made available to others. Even where such systems do not exist, communities may be able to create their own mechanisms to redistribute land within their own territories or distribute land that is not owned by anyone.

Ensuring the availability of land for future generations

Even if land can be distributed or redistributed so that there are no landless or land-poor households, if there is no land reserved for future generations there may be new landless or land-poor households in the future. An important question is thus how to ensure land availability for future generations.

One potential source of land is the land of people who leave farming. As will be noted below, in many areas, people are increasingly leaving farming over time to take up other work. There may be ways to manage this transition so that if they want to sell their land it becomes available to others in the community who need it. In practice, when people leave farming, their land often ends up in the hands of the wealthy and powerful.

[55] Borras (2007)

Restitution

In many cases, individuals, communities, or ethnic groups have lost access to land that they legitimately owned or used in the past. Those who have unfairly lost their land have an internationally guaranteed right to the restitution of their land. Land to be restituted can include land taken for state projects (such as state farms or mining operations) or given to private companies. It can also include land taken by neighbors, relatives, etc.

The right to restitution in international law

The right to restitution is guaranteed under international law. People have the right to have their original land returned to them or, if that is not possible, to receive fair compensation for their loss. The Principles on Housing and Property Restitution for Refugees and Displaced Persons (also called the "Pinheiro Principles") and the 2005 Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law ("Remedy Guidelines") are the main reference for restitution of land of displaced persons. The UN Declaration on the Rights of Indigenous Peoples (UNDRIP) guarantees Indigenous peoples the right to the restitution of their territories.

Restitution needs to be done carefully to avoid creating a new set up people with their own claims, evicted from their land in order to restitute it to others. Figure 13 below shows some possible scenarios.

In cases where land was nationalized and redistributed, it is often not desirable to carry out restitution as it may result in enormous social conflict and increased land inequality.

In some cases, land taken for state projects or given to private companies is now in the hands of other communities or small-scale producers, who may have settled on the land or bought it from the companies. In other cases, outsiders have moved onto land when the original community was displaced. Especially if the new landowners or land users have been on the land for a long time, they may now have their own socially legitimate rights to the land. They may also have nowhere else to go. In such cases, it can be difficult to restitute land without creating new claims. If the change in hands happened long ago, the new owners could be allowed to keep the land but pay some compensation to the original owners, but if it happened more recently, the land could be returned to the original owners and the new occupants allowed to lease it from them .[56]

Similarly, where a company is currently using land that was grabbed in the past, for example for a plantation, one possibility is to return the land to the original owners and for the company to lease the land from them.[57]

[56] Wittman & James (2022)
[57] Cotula & Leonard (2010)

In cases where there are large numbers of people needing to have their land restituted to them, mass claims mechanisms may be used. In such mechanisms, the burden may be on current occupiers of land to prove that they acquired it through legitimate means, rather than original owners having to prove that the land used to belong to them.[58]

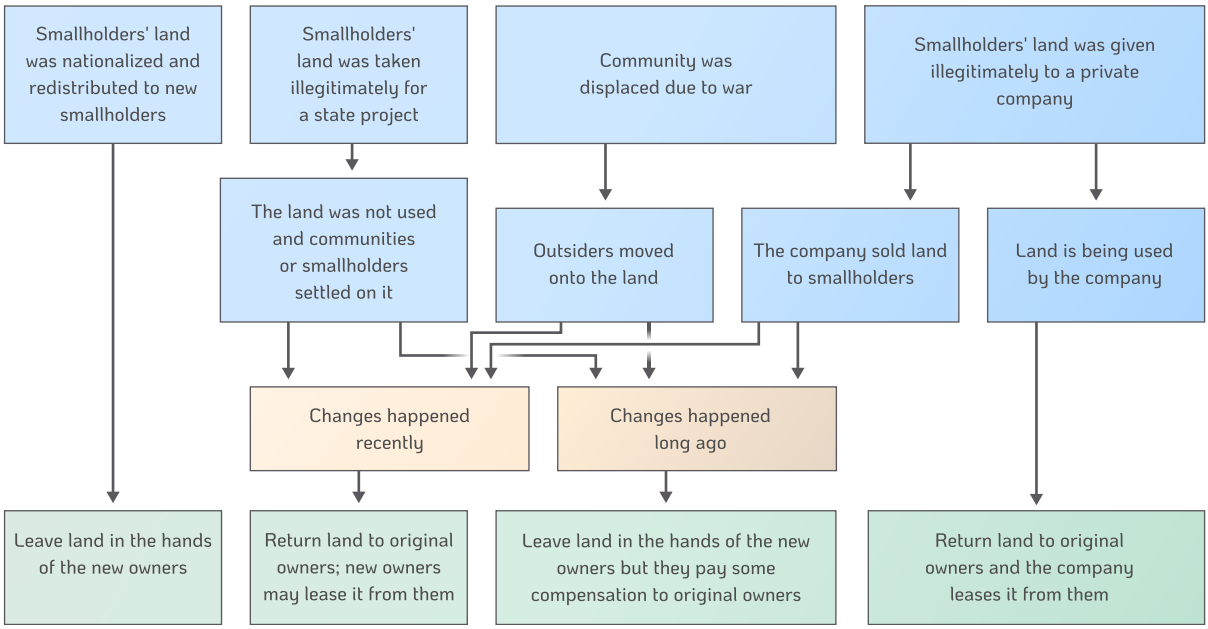
Smallholders' land was nationalized and redistributed to new smallholders
Smallholders' land was taken illegitimately for a state project
Community was displaced due to war
Smallholders' land was given illegitimately to a private company
The land was not used and communities or smallholders settled on it
Outsiders moved onto the land
The company sold land to smallholders
Land is being used by the company
Changes happened recently
Changes happened long ago
Leave land in the hands of the new owners
Return land to original owners; new owners may lease it from them
Leave land in the hands of the new owners but they pay some compensation to original owners
Return land to original owners and the company leases it from them

Figure 13. Some possible choices to avoid undue social conflict and the creation of new claims through restitution

Box 5. Thinking about land rights

Will government have a role in recognizing and securing land rights and redistributing and restituting land within Indigenous and community territories?

What are the aims of recognizing rights (such as shaping land use, enabling people to benefit from land use, redistributing wealth in society, protecting human rights, and promoting social justice)?

What range of rights should people have over different kinds of land (including short-term and non-exclusive rights)?

Will rights exist before they are recognized by government? How can people claim rights if they are not yet recognized?

[58] Leckie and Arraiza (2017)

Who should secure and guarantee land rights, and how?

Will short-term, non-exclusive rights be *protected*? Or will short-term, non-exclusive uses only be *allowed*?

What will the extent of land titling be? At what scale will it be standardized?

To what extent should property rights and land markets be supported? How easy should it be for someone with sufficient resources to buy land?

Will efforts be made to prevent land concentration? Through what means?

Will land be redistributed? How?

Will land be restituted? In which cases? How? By whom?

7. Women's land rights

Women's land rights are important for gender equality and women's empowerment and for women to be able to exercise other rights, in addition to being important on their own.

But around the world, women do not own as much land or have access to as much land as men and do not have as secure land tenure. There are various reasons for this, relating to both government and community or customary systems, the broader context of gender relations, and other factors.[59]

The importance of women's land rights and access to land

There is evidence that land rights and access to land are important for women to be socially included and to have voice, decision-making authority, and bargaining power within the household and community.[60] Women have also been found to be more affected by land grabs than men.[61]

Women's land ownership does not just impact women themselves. When women own land there are positive effects on children's education and family food expenditures, agricultural production overall, and national food security.[62]

Credit: Nulaili Khairani

[59] Namubiru-Mwaura (2014), Meinzin-Dick (2019), Daley et al (2013), Giovarelli (2013), Dery, (2015)
[60] Daley et al (2013), Giovarelli (2013), Faxon et al (2013), Slvachevska et al (2020), Meinzin-Dick (2019), Kocabicak (2022)
[61] Daley et al (2013)
[62] Giovarelli (2013)

There may be social norms against women owning land and women may not inherit land equally. They may have less ability than men to acquire land through clearing it. They often acquire land through men, such as husbands, fathers, etc.

In practice, women often have less rights to household land than men do. In government systems, land titles may be issued in men's names. Even where husband and wife are legally considered to be joint owners of household land (including cases in which titles are issued in the names of both husband and wife), men may control the land and be the effective owners of the land due to their overall position of dominance within the household. Family or marriage laws may legalize such control by men.

In the case of divorce or death of a husband, women may not be able to hold onto their share of household land or even land they own individually. When norms allow them to do so, these norms may not always be enforced.

Strong social norms may influence how government officers apply the law, so that gender neutral laws result in the violations of women's land rights. Formal and informal land institutions are often dominated by men, and women may not have as strong relationships as men do with people who can help protect their land rights. Laws protecting women's land rights may not be enforced.

To the extent that land rights are determined through community or customary systems, women's land rights can be strengthened through the establishment of new community rules. But because social norms play such an important role in women's land rights, it is likely that they will also have to change.

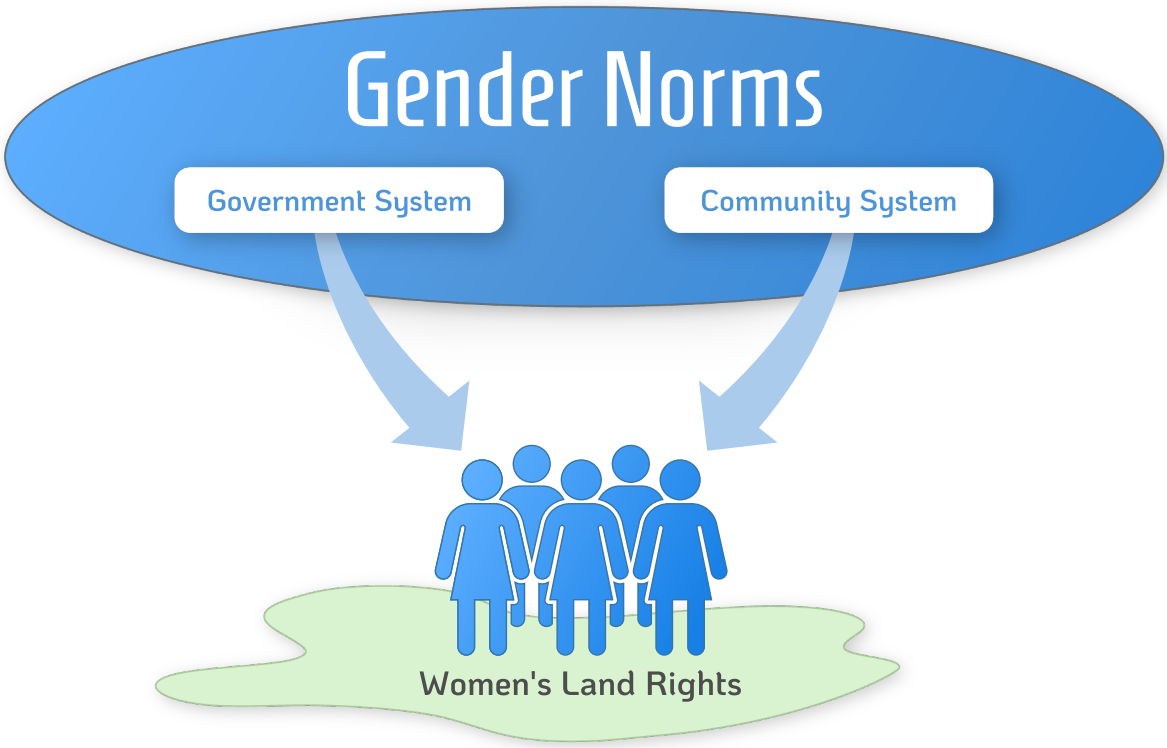

Figure 14. The importance of gender norms to women's land rights in both government and community systems

Women's rights in international law and norms

Internationally, under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), governments are responsible for protecting women's rights, and government may have to step in if communities do not protect women's land rights.

The Voluntary Guidelines on the Governance of Tenure state: "States should consider the particular obstacles faced by women and girls with regard to tenure and associated tenure rights, and take measures to ensure that legal and policy frameworks provide adequate protection for women and that laws that recognize women's tenure rights are implemented and enforced" (section 5.4).

There is no single approach to strengthening women's land rights in government systems. An important first step is to ensure that women play a leading role in designing mechanisms to protect their rights and in any institutions set up for this purpose.

Box 6. Thinking about women's land rights

What role will government play in ensuring that Indigenous, community, and customary systems protect women's land rights?

What mechanisms will be used to ensure women's access to land and secure women's land rights?

How will women be given a role in designing mechanisms and institutions to protect women's land rights?

8. Agriculture and land governance

Agriculture is one of the most important land uses, and land governance systems and agriculture systems are very closely inter-related. Land governance shapes who controls agriculture, and agriculture systems shape who owns and uses land.

Industrial agriculture

There is now a major trend around the world for companies to control more and more land either directly or indirectly as industrial agriculture continually extends its reach. Companies may lease or buy land to cultivate themselves, employing farm workers and using mechanized processes. Farmers may also participate in industrial agriculture on their own land in various ways, for example buying commercially produced seeds and fertilizers and selling their crops to companies.

Industrial agriculture and peasant agriculture result in different outcomes. Industrial agriculture may be able to produce cheaper food, but peasant agriculture often produces healthier food. Industrial agriculture often produces food for export or non-food crops such as crops used to produce biofuels, while peasant agriculture often produces food for local consumption. Peasant agriculture is generally less destructive of the environment, supports livelihoods of farmers rather than profits for corporations, and does not contribute to climate change the way industrial agriculture does.

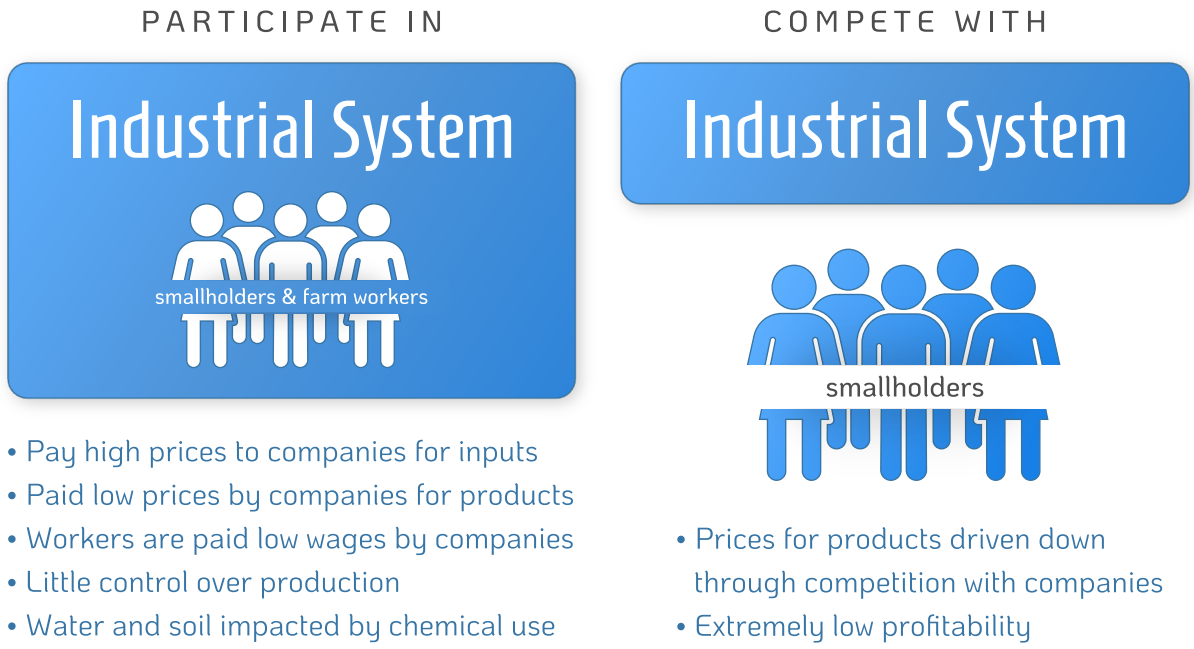
PARTICIPATE IN
Industrial System
smallholders & farm workers
• Pay high prices to companies for inputs
• Paid low prices by companies for products
• Workers are paid low wages by companies
• Little control over production
• Water and soil impacted by chemical use
COMPETE WITH
Industrial System
smallholders
• Prices for products driven down through competition with companies
• Extremely low profitability

Figure 15. Typical consequences for smallholder farmers and farm workers who participate in or compete with industrial agriculture

Farmers may either participate in or compete with industrial agriculture, as shown in Figure 15 above. While farmers may benefit from participating in industrial agriculture, they are often squeezed by the high costs of inputs and low prices for products and may end up selling their land when they are unable to generate profits. They may also effectively lose control of their land as they lose control over what they produce and how they produce it. The poisonous chemicals they use can destroy local water supplies and chemical fertilizers can destroy the soil. There may also be negative impacts on community or customary tenure systems. Industrial agriculture often drives increased individualization of land and land concentration, which customary systems may have difficulty dealing with.

Farmers may enter production agreements with companies (what is known as "contract farming") which often result in farmers giving up control over their land. These arrangements may result in farmers going into debt when their crops fail because they assume most or all of the risk, and they may have to sell their land.

Farmers who do not participate in industrial agriculture and continue to follow their own agricultural practices often find that they cannot afford to compete with cheap (but low quality and unhealthy) vegetables and livestock produced through industrial agriculture. They, too, may end up selling their land or leaving farming. They may also feel that it is better to participate in industrial agriculture themselves then to compete with it.

Credit: Google Earth

Industrial agriculture

Large corporations and smaller private companies often access global capital to invest in industrial agriculture, some more directly than others. While smallholder farmers rely heavily on their own household labor, these entities use capital to generate profits (by hiring labor, renting land, selling fertilizer, etc.). Through the generation of profits, their capital increases, creating the need to find new ways to invest it. The overall result is the continuing expansion of sales of fertilizers, insecticides, seeds, machinery, fuel, etc. and the increasing control by these entities of the marketing of agricultural products. To control the production cycle, these entities need continually greater access to land, labor, and other means of production.

These changes all happen whether or not they are beneficial for local livelihoods, food security, human health, and the environment. Government often supports them.

When companies buy or lease large areas of land themselves for industrial agriculture operations, in what are referred to as large-scale land acquisitions (LSLAs), the result is often the displacement of communities and the transformation of entire landscapes and ecosystems. Their operations often result in polluted water, destroyed ecosystems, loss of biodiversity, militarization (as companies employ armed guards for their plantations), loss of natural resources used by communities, and loss of community land or land available to communities.

Large-scale land acquisitions (LSLAs)

LSLAs often provide employment mainly for unskilled workers who are not from the local area. They often involve monocultures and the use of large amounts of water and chemicals. They are often justified on the basis that the land is wasteland or under-utilized, while in practice there is often little or no land that local communities do not use, or that is not important to local communities, in some way. Sometimes companies acquire LSLAs just for purposes of speculation.

Some argue that the negative impacts of LSLAs on communities or the environment can be addressed by imposing a code of conduct on them, while others argue that LSLAs are inherently a bad use of land.[63]

Food sovereignty and agroecology

There is a global movement to reclaim agriculture from corporate control and promote "food sovereignty" instead. Food sovereignty basically means control of food and agricultural systems by the people. It involves farmers improving their own food and agricultural systems rather than participating in industrial agriculture and moving away from reliance on global markets and inputs from industrial agriculture (such as chemical fertilizers and pesticides and commercially produced seeds).[64] In food sovereignty, there is a direct relation between producers and consumers (and consumers are also producers), while in industrial agriculture this relationship is mediated by corporations. (See Figure 16 below.)

[63] De Schutter (2011)
[64] LVC (2016)

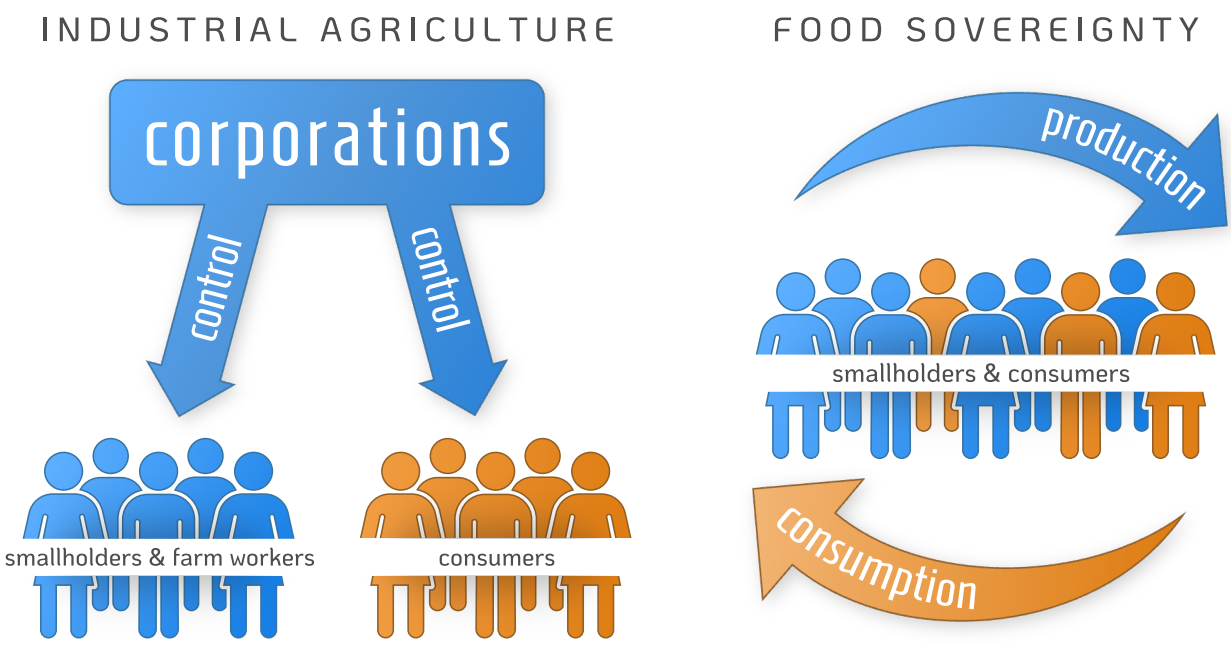

Figure 16. Comparison between industrial agriculture and food sovereignty

Food sovereignty advocates generally promote a kind of agriculture called agroecology that emphasizes ecological sustainability. Agroecology is based on traditional knowledge but also makes use of science to improve traditional methods. Through agroecology, farmers can increase their production while improving the health of ecosystems, restoring degraded lands, and strengthening their resilience to climate change.[65]

Achieving food sovereignty requires communities to have control over their own land. At the same time, food sovereignty helps communities maintain control over their own land by freeing them from market forces that tend to push people off their land.

While farmers can make changes in their own farming practices to work towards food sovereignty, it is extremely challenging for people at the local level to resist the forces of global food and agricultural systems. There is a role for government in regulating industrial agriculture and promoting food sovereignty and agroecology (including through government investments).[66]

[65] Altieri et al (1998), Pimbert & Moeller (2018), Pereira et al (2018), Giraldo & McCune (2019)
[66] Lawrence et al (2019), Altieri et al (1998), McKay et al (2014)

Investment in agriculture

There is debate as to what kind of private sector investment in agriculture is appropriate. Some think that it is a good idea for communities themselves to lease out land they are not using to investors, while others see this as too risky (among other problems) and propose other models. Private investment in farmers' cooperatives has been promoted as a way to bring about positive overall change.

Global experience has shown that partnering with private sector investors can bring benefits to communities if done properly, but also that such investments may not be necessary. The terms of the investment are important, and people need to be organized so that they are able to deal with investors from a position of power.[67] In any case, governments can promote pro-poor investments rather than pro-industry investments and ensure that the rights of people affected by investments are protected by obtaining their free, prior and informed consent (FPIC).

Farmers exiting agriculture

Another trend is for people to leave the farm altogether. They may be pushed out by the unprofitability of smallholder farming and indebtedness or attracted by increasing job opportunities off the farm.[68]

Those who exit farming may hold onto their land. They may want to be able to pass it down to future generations and land may also provide a safety net to which they can return to if they become unable to work. Ultimately, land is usually farmers' most valuable asset and rises in price over time. On the other hand, people may sell their land when they leave farming, making them vulnerable if their employment is insecure.[69]

Land and NR governance systems need to be able to deal with people leaving the farm. Systems can enable people to hold onto their land if they leave or ensure that other needy households are able to access it if they want to sell it.

Aims of a land and NR governance system with respect to agriculture

Overall, a land and NR governance system should reflect the form of agriculture that society wants to promote. Measures can be taken to keep land in the hands of communities and small-scale producers and ensure that they have full control over it, or to make land available to investors. Agricultural policy should also be developed to promote the distribution of ownership and control of land that is desired.

[67] Cotula & Leonard (2010)
[68] One factor contributing to increasing job opportunities is falling birth rates. As the birth rate falls in some countries, labor shortages are resulting and migrant workers from other countries are moving in to fill the gap.
[69] Rigg et al (2016, 2018)

Box 7. Thinking about agriculture and land governance

What should farmland be used for? By whom? How can this be ensured?

To what extent should food be produced by small-scale producers, and agriculture contribute to local livelihoods? To what extent should agriculture be aimed at producing products for export, generating revenue for government, and creating jobs?

How can the ecological sustainability of agriculture be ensured?

What role do Indigenous peoples and communities have in achieving these ends, and what role does government at different levels have?

Credit: Google Earth

9. Ensuring effective implementation

Around the world, land and NR governance systems are often poorly implemented. Lack of accountability and corruption are common in land and NR governance systems. Land and natural resources are extremely valuable and controlling them is a way to gain and maintain power. Officials can benefit personally by not following the rules, and there is a strong tendency for them to favor investors, elites, the wealthy, and the powerful.[70]

Effective implementation requires political will, which is often lacking. Other factors important for ensuring effective implementation of land and NR governance systems include: citizen engagement, which in turn depends on transparency within the system; efficiency and simplicity, which in turn depends on laws being clear and unambiguous; legitimacy of the system in the eyes of the people, so that they will willingly comply with it; strategic approaches to deal with powerful groups, so that they will not create obstacles that prevent implementation; and institutions that are not overly hierarchical, that serve the people, and that have clear, non-overlapping roles.

Factors important for ensuring effective implementation of land and NR governance systems

While political will is important for effective implementation of government land and NR governance systems, other factors can more easily be incorporated into a system itself.

Citizen engagement is important for holding government accountable. Citizens need to mobilize strong social movements to even power relations with government, but governance systems can also support citizen engagement by mandating decentralized decision-making, consultation with Indigenous and local communities, and free, prior, and informed consent (FPIC), with special mechanisms to ensure that marginalized groups have a voice. Government must be willing to give up some of its power to these other social actors and, because mechanisms for citizen engagement can be coopted, there need to be measures to prevent this. If Indigenous peoples and communities are granted autonomy, citizen engagement can happen through them.[71]

Citizen engagement depends on **transparency**. People need to have access to reliable information in order to hold government accountable and participate in decision-making.[72]

If a system is too complicated or too difficult to understand, is too costly, or requires too much human resources, it is unlikely to deliver desired outcomes. A good system is **efficient** and relatively **simple to implement**.[73] The Voluntary Guidelines on the Governance of Tenure state: "States should eliminate unnecessary legal and procedural requirements and strive to overcome barriers related to tenure rights" (section 6.3).

Related to the previous points, **laws need to be clear and unambiguous**. The clearer they are, the easier it will be for ordinary citizens to use them to hold government accountable.[74]

The system must be designed so that people consider it to be legitimate. Only if they see it as **legitimate** will most people willingly comply with it. If they don't, the system may be impossible to implement without a high degree of coercion.

[70] LEI (2006), Crabtree-Condor & Casey (2012), Borras & Franco (2010b), Grover et al (2007)
[71] McKay et al (2014), Crabtree-Condor & Casey (2012), Salukvadze (2008), Borras & Franco (2008a)
[72] Crabtree-Condor & Casey (2012)
[73] LEI (2006)
[74] LEI (2006), Grover et al (2007)

The system should impose **checks on power** and help to redistribute power. It should be designed strategically to achieve this. If powerful groups oppose a system and their power is confronted head-on, they may create obstacles that prevent implementation of the system.

Institutional arrangements are key to the efficiency and effectiveness of land governance systems. If individual institutions are overly hierarchical, people within the institution may not dare speak out and corruption can result. It is also important that institutions be designed to serve the people. At a broader level, it is important that the mandates and roles of different institutions be clear. Often, institutions have competing or unclear roles resulting in desired outcomes not being achieved. One study concludes: "The powers often overlap and add to bureaucratic 'red tape' which allows agencies to remain self-serving with scant regard to community needs and demands. Amidst this confusion there is ample opportunity for cronyism, patronage, informal fees and other forms of corrupt practices that preclude the least able from participating in the formal land market and gaining security of tenure".[75]

The role of courts in resolving disputes needs to be carefully considered. It is generally more efficient to resolve disputes in government departments than in courts.[76] On the other hand, there can be conflicts of interests when departments are tasked with resolving problems that they create themselves. It may be desirable to establish special land tribunals.

There are debates about the role of technology in land governance systems. Often the need for technology is emphasized, particularly for enhancing efficiency and transparency. But there may be other more urgent priorities and if technology is poorly designed it may create additional problems.[77]

Bringing about change is extremely difficult and takes time. Some steps need to be taken first while others can wait, and it may be best to develop a new system in phases over a long period of time.[78]

Institutions are often very resistant to change.[79] Existing patronage networks within institutions, which may involve power actors outside the institutions, may make it difficult to combat corruption and hierarchy. If major changes are going to be made in a system, it may be more effective to create entirely new institutions than reform old ones.

Box 8. Thinking about how to ensure effective implementation

Given all of the aims of the system being designed, what is practical?

What will be seen as legitimate by the people, deals with existing power structures strategically, and will not result in too great inefficiencies or inter-institutional conflicts?

How can transparency and citizen engagement be enhanced?

What should the role of courts be?

What should be done in terms of technology and information?

Should existing institutions be kept, or new institutions created?

[75] LEI (2006:19)
[76] LEI (2006)
[77] LEI (2006)
[78] LEI (2006)
[79] LEI (2006

10. Conclusion

In reflecting on what has been presented, it is important to be realistic about what can be achieved. What it is possible to achieve will be different in different contexts. At the same time, it is important to think "outside the box" and not assume that existing systems reflect the limits of what is possible. Existing systems often reflect the interests of the powerful and it is possible to design much better ones.

How attempts to develop an ideal system can result in new conflicts or inefficiencies

Attempts to develop an ideal system could result in new conflicts or inefficiencies. For example, recognition of the autonomy of communities could result in conflicts over borders between communities[80] and conflicts between Indigenous peoples and non-Indigenous individuals or communities living within Indigenous territories,[81] as mentioned above. Protecting small-scale producers from industrial agriculture could result in a lack of investment in agriculture, with serious consequences. If each local government, or even each federal unit in a federal system, develops its own cadastral system, recognition of land rights could be delayed by years. If local people resist reforms, it may be impossible to implement them. Around the world, efforts have been made in the context of political transitions to completely remake land governance systems and, in some cases, have ended up creating entirely new sets of problems.

It is essential to build accountability to the people into the process of designing a system as well as into the final system. Designing a system based on citizen engagement and consent can result in greater legitimacy of the final system as well help to avoid the system creating new problems.

[80] Lavers (2018), LEI (2006)
[81] Arraiza (2012)

References

Alfredsson, G. (1999). The rights of indigenous peoples with a focus on the national performance and foreign policies of the Nordic countries. *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht*, *59*(2), 529-42.

Altieri, M. A., Rosset, P., & Thrupp, L. A. (1998). The potential of agroecology to combat hunger in the developing world.

Arraiza, J. M. (2012). Squaring indigenous circles: the making of Nicaragua's indigenous communal property regime. *International Journal on Minority and Group Rights*, *19*(1), 69-103.

Artelle, K. A., Zurba, M., Bhattacharyya, J., Chan, D. E., Brown, K., Housty, J., & Moola, F. (2019). Supporting resurgent Indigenous-led governance: A nascent mechanism for just and effective conservation. *Biological Conservation*, *240*.

Baxter, J. (2017). Recovering farmland commons. Pages 61-73 in J. Duncan and M. Bailey (Eds), *Sustainable Food Futures* (pp. 61-73). Routledge, London and New York.

Boone, C. (2015). Land tenure regimes and state structure in rural Africa: implications for forms of resistance to large-scale land acquisitions by outsiders. *Journal of Contemporary African Studies*, *33*(2), 171-190.

Borras, S. M. (2003). Questioning the pro-market critique of state-led agrarian reforms. *The European Journal of Development Research*, *15*(2), 109-132.

Borras, S. (2007). *Pro-Poor Land Reform: a Critique*. University of Ottawa Press/Les Presses de l'Université d'Ottawa.

Borras Jr, S. M., & Franco, J. C. (2010a). Contemporary discourses and contestations around pro-poor land policies and land governance. *Journal of Agrarian Change*, *10*(1), 1-32.

Borras, S., & Franco, J. (2010b). Towards a broader view of the politics of global land grab: rethinking land issues, reframing resistance. *Initiatives in Critical Agrarian Studies Working Paper Series*, *1*, 1-39.

Brockington, D. (2015). The enduring power of fortress conservation in Africa. *Nova Africa*, *32*.

Brown, D. (2021). Towards a comparative research agenda on in situ urbanisation and rural governance transformation. *International development planning review*, *43*(3), 289-320.

Büscher, B. (2016) Reassessing Fortress Conservation? New Media and the Politics of Distinction in Kruger National Park, Annals of the American Association of Geographers, 106:1, 114-129

Calo, A., McKee, A., Perrin, C., Gasselin, P., McGreevy, S., Sippel, S. R., Desmarais, A. A., Shields, K., Baysse- Lainé, A., Magnan, A, Beingessner, N., & Kobayashi, M. (2021). Achieving food system resilience requires challenging dominant land property regimes. *Frontiers in Sustainable Food Systems*, *5*, 683544.

Chauveau, J.-P., & Colin, J.-P. (2007). Changes in land transfer mechanisms: Evidence from West Africa. In *Changes in "Customary" Land Tenure Systems in Africa*. IIED and FAO.

Cobo, J.M. (1986) *Study of the problem of discrimination against Indigenous populations. International Covenant on Civil and Political Rights.* Geneva: United Nations

Cotula, L., & Leonard, R. (Eds.). (2010). *Alternatives to land acquisitions: Agricultural investment and collaborative business models*. IIED.

Cotula, L., & Neves, B. (2007). The drivers of change. Pages 15-34 in L. Cotula (Ed.) *Changes in "Customary" Land Tenure Systems in Africa*. IIED and FAO.

Courville, M. & Patel, R. (2006) The Resurgence of Agrarian Reform in the Twenty-first Century. Pages 3-22 in Rosset, P., Patel, R., & Courville, M. (Eds.). (2006). *Promised land: competing visions of agrarian reform*. Food First Books.

Crabtree-Condor, I., & Casey, L. (2012). *Lay of the Land: Improving Land Governance to Stop Land Grabs*. ActionAid International Secretariat, Johannesburg.

De Schutter, O. (2010). The Emerging Human Right to Land. International Community Law Review, 12, 303–334

De Schutter, O. (2011). How not to think of land-grabbing: three critiques of large-scale investments in farmland. *The Journal of Peasant Studies*, *38*(2), 249-279.

Eguren, F. (2019) Summary. Pages 9-20 in International Land Coalition (Ed.) *Changes and Persistent Issues in Land Governance: an Overview Following the Agrarian Reforms in Latin America and the Caribbean.* ILC.

Enemark, S. (2009). Managing Rights, Restictions and Responsilities in Land. In *GSDI 11 Proceedings*.

Farrelly, C. (2004). Taxation and distributive justice. *Political Studies Review*, *2*(2), 185-197.

Feir, D. L., Jones, M. E., & Scoones, D. (2024). When do nations tax? The adoption of property tax codes by First Nations in Canada. *Public Choice*, *199*(3), 285-318.

Franco, J. C., & Borras Jr, S. M. (2021). The global climate of land politics. *Globalizations*, *18*(7), 1277-1297.

Franco, J. C., Monsalve, S., & Borras, S. M. (2015). Democratic land control and human rights. *Current Opinion in Environmental Sustainability*, *15*, 66-71.

Giraldo, O. F., & McCune, N. (2019). Can the state take agroecology to scale? Public policy experiences in agroecological territorialization from Latin America. *Agroecology and Sustainable Food Systems*, *43*(7-8), 785-809.

Gómez, S. (2014). The land market in Latin America and the Caribbean: concentration and foreignization. FAO.

Government of Canada. (2018). *Principles Respecting the Government of Canada's Relationship with Indigenous Peoples*. Accessed from: https://www.justice.gc.ca/eng/csj-sjc/principles.pdf

Grover, R., Törhönen, M. P., Palmer, D., & Munro-Faure, P. (2007). *Good governance in land tenure and administration.* Food and Agriculture Organization of the United Nations, Rome.

Hendriks, B., Zevenbergen, J., Bennett, R., & Antonio, D. (2019). Pro-poor land administration: Towards practical, coordinated, and scalable recording systems for all. *Land use policy*, *81*, 21-38.

Hersperger, A. M., Grădinaru, S. R., & Siedentop, S. (2020). Towards a better understanding of land conversion at the urban-rural interface: Planning intentions and the effectiveness of growth management. *Journal of Land Use Science*, *15*(5), 644-651.

Hirsch, P. (2011) Titling against grabbing? Critiques and conundrums around land formalisation in Southeast Asia. Paper presented at the International Conference on Global Land Grabbing. LDPI. Accessed from: https://www.future-agricultures.org/wp-content/uploads/pdf-archive/Philip%20Hirsch.pdf

Karsenty, A. (2007). *Overview of industrial forest concessions and concession-based industry in Central and West Africa and considerations of alternatives.* CIRAD.

Kijazi, M., Joel, J. I., Larson, A. M., & Cisneros, N. (2017). *Multilevel governance, carbon management and land-use decisions in Tanzania* (Vol. 226). CIFOR.

Kramer, A. K., Klümper, F., Müller, A., & Thornberry, F. (2021). Strengthening accountability for responsible land governance: Linking governance of tenure to human rights. *Sustainability*, *13*(19), 11113.

La Via Campesina (2016) *International conference of agrarian reform: Marabá Declaration.* Accessed from: https://viacampesina.org/en/international-conference-of-agrarian-reform-declaration-of-maraba1/

Lahiff, E., Borras, S. M., & Kay, C. (2013). Market-led agrarian reform: policies, performance and prospects. Pages 1-20 in S. M. Borras, C. Kay, and E. Lahiff (Eds.) *Market-Led Agrarian Reform*. Routledge, London and New York.

Land Equity International (2006). *Land Administration: Indicators of Success, Future Challenges*. Land Equity International, Wollongong, Australia.

Lavers, T. (2018). Responding to land-based conflict in Ethiopia: The land rights of ethnic minorities under federalism. *African Affairs*, *117*(468), 462-484.

Lawrence, T. J., Stedman, R. C., Morreale, S. J., & Taylor, S. R. (2019). Rethinking landscape conservation: linking globalized agriculture to changes to indigenous community-managed landscapes. *Tropical Conservation Science*, *12*.

Leckie, S. & Arraiza, J. (2017) *Restitution in Myanmar: Building Lasting Peace, National Reconciliation and Economic Prosperity Through a Comprehensive Housing, Land, and Property Resitution Programme*. Displacement Solutions and Norwegian Refugee Council.

Mahalwal, S., & Kabra, A. (2023). The slow violence of fortress conservation creates conditions for socially unjust 'voluntary'relocation. *Biological Conservation*, *286*, 110264.

McKay, B., Nehring, R., & Walsh-Dilley, M. (2014) The "state" of food sovereignty in Latin America: political projects and alternative pathways in Venezuela, Ecuador and Bolivia , The Journal of Peasant Studies, 41:6, 1175-1200

Mortensen, B. O. G., & Suksi, M. (2019). Respecting autonomies and minorities. *Nordic law in European context*, 61-77.

Nair, P. C. (2016). The Inner Line Permit System and Governance Issue in Manipur. *Indian Journal of Public Administration*, *62*(3), 533-545.

Palmer, D.; Fricska, S.; Wehrmann, B. (2009) *Towards Improved Land Governance*. Food and Agriculture Organization of the United Nations, Rome.

Pedersen, R. H., Spichiger, R., Alobo, S., & Kidoido, M. (2012). *Land Tenure and Economic Activities in Uganda: A Literature Review* (2012:13; DIIS Working Paper). https://www.econstor.eu/handle/10419/122257

Pereira, L., Wynberg, R., & Reis, Y. (2018). Agroecology: The future of sustainable farming?. *Environment: Science and Policy for Sustainable Development*, *60*(4), 4-17.

Petriello, M. A., Redmore, L., Sène, A. L., Katju, D., Barraclough, L., Boyd, S., ... & Yalamala, R. S. (2024). The scope of empowerment for conservation and communities. *Conservation Biology*, e14249.

Pimbert, M. P., & Moeller, N. I. (2018). Absent agroecology aid: On UK agricultural development assistance since 2010. *Sustainability*, *10*(2), 505.

Rai, N. D., Devy, M. S., Ganesh, T., Ganesan, R., Setty, S. R., Hiremath, A. J., ... & Rajan, P. D. (2021). Beyond fortress conservation: the long-term integration of natural and social science research for an inclusive conservation practice in India. *Biological Conservation*, *254*.

Rigg, J., Salamanca, A., Phongsiri, M., Sripun, M., 2018. More farmers, less farming? Understanding the truncated agrarian transition in Thailand. World Dev. 107, 327–337.

Rigg, J., Salamanca, A., Thompson, E.C., 2016. The puzzle of East and Southeast Asia's persistent smallholder. J. Rural Stud. 43, 118–133.

Rivera, R. & M. Gómez (2019) Land governance in Venezuela. Pages 51-53 in International Land Coalition (Ed.) Rivera, R. & M. Gómez (2019) Land governance in Venezuela. Pages 51-53 in International Land Coalition (Ed.) *Changes and Persistent Issues in Land Governance: an Overview Following the Agrarian Reforms in Latin America and the Caribbean*. ILC.

Salukvadze, J. (2008). *Good governance and natural resources tenure in Eastern Europe and CIS region*. Food and Agriculture Organization of the United Nations.

Schlager, E., & Ostrom, E. (1992). Property-Rights Regimes and Natural Resources: A Conceptual Analysis. *Land Economics*, *68*(3), 249. https://doi.org/10.2307/3146375

Siurua, H. (2006). Nature above people: Rolston and" fortress" conservation in the South. *Ethics and the Environment*, 71-96.

Song, M., Huntsinger, L., & Han, M. (2018). How does the ecological well-being of urban and rural residents change with rural-urban land conversion? The case of Hubei, China. *Sustainability*, *10*(2), 527.

Springer, J., Campese, J., & Nakangu, B. (2021). *The Natural Resource Governance Framework: Improving Governance for Equitable and Effective Conservation*. IUCN, Gland, Switzerland.

Suksi, M. (2008). *Land rights and real property in the Nordic countries: a tentative sketch of an argument with some Nordic examples*. Europe Ethnica 3-4.

Tan, R., Beckmann, V., van den Berg, L., & Qu, F. (2009). Governing farmland conversion: Comparing China with the Netherlands and Germany. *Land use policy*, *26*(4), 961-974.

Troell, J., & Keene, S. (2022). *Legal recognition of customary water tenure in Sub-Saharan Africa: unpacking the land-water nexus* (Vol. 182). International Water Management Institute (IWMI).

UN Habitat (2008) *Secure Land Rights for all*. UN Habitat, Global Land Tools Network. Accessed from: https://unhabitat.org/sites/default/files/download-manager-files/Secure%20Land%20Rights%20for%20All.pdf

Vandergeest, P., & Peluso, N. L. (1995). Territorialization and state power in Thailand. *Theory and society*, 385-426.

Wily, L. A. (2011). *Customary land tenure in the modern world* (Reviewing the Fate of Customary Tenure in Africa). Rights and Resources Initiative.

Wily, L. A. (2017). Customary tenure: Remaking property for the 21st century. Pages 458-477 in M. Gaziadei and L. Smith (Eds) *Comparative Property Law: Global Perspectives* (pp. 458–477). Edward Elgar Publishing. Cheltenham, UK and Northampton, MA, USA.

Wittman, H., & James, D. (2022). Land governance for agroecology. *Elem Sci Anth*, *10*(1).

Youdelis, M., Townsend, J., Bhattacharyya, J., Moola, F., & Fobister, J. B. (2021). Decolonial conservation: Establishing Indigenous Protected Areas for future generations in the face of extractive capitalism. *Journal of political ecology*, *28*(1), 1-32.